

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 03/30/2001
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of the reinstatement of an information collection received on 01/29/2001.

TITLE: Marine Mammal Stranding Report/Marine Mammal Rehabilitation Disposition Report

AGENCY FORM NUMBER(S): FORM-89-864

ACTION : APPROVED

OMB NO.: 0648-0178

EXPIRATION DATE: 03/31/2004

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	0	0	0
New	4,800	1,600	2
Difference	4,800	1,600	2
Program Change		1,600	2
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

SUPPORTING STATEMENT

MARINE MAMMAL STRANDING REPORTS/MARINE MAMMAL REHABILITATION DISPOSITION REPORT

A. Justification

1. Explain the circumstances that make the collection of information necessary.

This collection of information is authorized and mandated under three provisions of the Marine Mammal Protection Act (MMPA), 16 U.S.C. 1421 (Attachment 1). Under the MMPA, the Secretary is charged with the protection and management of marine mammals. In addition, determinations must be made on the sustainability of population stocks, on the impact of fisheries and other human activities on marine mammals and endangered species, and on the health of marine mammals and related environmental considerations. The National Marine Fisheries Service (NMFS) has the responsibility to carry out these mandates.

Section 402(b) of the MMPA (16 U.S.C. 1421a) requires the Secretary to collect and update information on strandings. It further provides that the Secretary shall compile and analyze, by region, the species, numbers, conditions, and causes of illnesses and deaths in stranded marine mammals.

Section 404 (a) of the MMPA (16 U.S.C. 1421c) mandates that the Secretary respond to unusual marine mortality events. Without a historical baseline provided by marine mammal information collected from strandings, detection of such events could be difficult and the investigation of the cause of the event would be impeded.

Section 404 (b) of the MMPA (16 U.S.C. 1421c) requires NMFS to facilitate the collection and dissemination of reference data on the health of marine mammal populations in the wild and to correlate health with physical, chemical, and biological environmental parameters. In order to perform this function, NMFS must standardize data collection protocols for health and correlations. Data and samples collected from stranded animals are a critical part of the implementation of this mandate of the MMPA.

Specifically, the data from the Marine Mammal Stranding Report forms provide NMFS with information on the morphology, life history, biology, general health, health and stranding trends, causes of mortality, and distribution of marine mammal species. These data provide reference information necessary to detect epizootic diseases such as the one implicated in the bottlenose dolphin die-off in 1987-88, the leptospirosis outbreak in California sea lions in 1984, and the morbillivirus epizootic in bottlenose dolphins in the Gulf of Mexico in 1994. These data also provide information which may help in making assessments on the status of population stocks. Recording data on gross mortalities may

serve as an indicator that a particular population is impacted, threatened or at increased risk, and when provided in a timely manner, aid in dynamic management practices. Changes in sex ratios, age composition, or age at sexual maturity may also indicate stressed populations and can be detected with stranding data. Stranding records can be a tool for alerting management personnel to changes in incidental mortality of marine mammals due to human activities such as fisheries by-catch. As an example, evidence of significant harbor porpoise mortalities due to gill net fisheries off the mid-Atlantic coast was provided by the Stranding Network in early 1993. This provided fishery managers with clues to seasonal and geographical information on fishery impact. Information obtained from strandings can also provide indications of enforcement problems. As an example, in March 1993, large numbers of dead pinnipeds washed in on the central Washington coast. Stranding Network information provided proof that over half of the animals had been shot.

The NMFS is also responsible for animals which are in rehabilitation status. The NMFS maintains an inventory of marine mammals in rehabilitation status and makes the final decision of the disposition of the animals (i.e., release back to the wild, transferred to public display, or euthanized). Under 16 U.S.C. 1374, section 104 (c)(10), the Secretary is required to track live animals held under permits for rehabilitation or captive display (Attachment 2). The data in the Marine Mammal Rehabilitation Disposition Report is required to monitor and track animals during rehabilitation and during transfer to permanent-permitted status.

Registration of tissues retained from strandings is mandatory under 50 CFR 216.22(c) (Attachment 3). With limited exceptions, the MMPA prohibits the purchase or sale of marine mammals or marine mammal parts. It also prohibits the possession of marine mammals or marine mammal parts taken in violation of the Act. In order to provide adequate enforcement of the Act while still allowing legitimate activities, it is necessary to document the inventory of tissues that are legally held. The Marine Mammal Stranding Report form provides information which may be used for registration of marine mammal parts taken under stranding authority and for tracking of such legally obtained samples.

2. Explain how, by whom, how frequently, and for what purpose the information will be used

The Marine Mammal Stranding Network is made up individuals authorized by NMFS (i.e., via Letter of Authorization or another official agreement) to collect scientific data and specimens, record information on stranding events with the NMFS Regional Coordinator, and assist local and Federal authorities in the removal of stranded animals under MMPA 109(h) (Attachment 4). They are also authorized in assisting with detection and investigation of marine mammal mortality events. The majority of Network members are affiliated with academic institutions, aquaria, rehabilitation centers, or state, federal, and local agencies. Members are requested to submit basic data on all strandings including date and location, species, condition of animal, sex of animal, length, disposition of the animal or any tissues from the animal, and any personal observations. The Network members will complete the stranding form as part of their immediate response and forward the form to the NMFS regional

coordinators in a timely manner. Non-Governmental members of the Network are exempted from the prohibition on taking marine mammals through the issuance of Letters of Authorization under §112(c) of the MMPA which allows the Secretary to enter into agreements in order to fulfill the general purposes of the Act (Attachment 5). The Letters of Authority also contain authorization for scientists to collect tissues from dead stranded animals for research. This LOA relieves scientists and responders of the cumbersome process of applying for scientific research permits, but these researchers must have a letter from the NMFS Regional Office authorizing such collections. See Attachment 6 for LOA application requirements.

For public display facilities which participate in the program as a rehabilitation center, reporting becomes a critical record if the animal is retained and put on display. If that happens, reporting requirements transfer to that mandated under OMB NO. 0648-0084. Participants benefit by gaining access to information, data exchange and tissue samples which might otherwise not be available. Analyses of tissues from strandings by the Network and research laboratories have significantly contributed to the body of knowledge on which management decisions are made and enhanced our understanding of marine mammal health. Non-scientists participating in the Network receive the satisfaction of aiding wildlife, enhancing wildlife conservation, and furthering scientific understanding of these species.

As indicated above, the information is used by the Agency in making resource management decisions and in fulfilling responsibilities under the MMPA. In addition to detecting serious pathogens, diseases, pollution loads, evidence of anthropogenic impacts on marine mammals, and providing life history information on marine mammal stocks, records of mortalities due to fishery by-catch are used in implementing the fisheries management regime in §118 of the MMPA. This mandates that mortality levels be below the potential biological removal level of the marine mammal stock. As an example of the value of such information, stranding reports alerted the Agency to a potentially serious interaction between harbor porpoise and coastal gillnet fisheries in the Mid-Atlantic region. In addition, the Agency is continuing to monitor strandings in the Mid-Atlantic to guide observer placement on fisheries. Prior to the receipt of stranding information, NMFS was unaware of the problem.

Section 118 of the MMPA provides that Take Reduction Teams be constituted for those marine mammal stocks for which human induced mortalities are above the potential biological removal level for the stock (Attachment 7). The data provided by Marine Mammal Stranding Reports may be used by the Take Reduction Teams to identify gear types, seasons, and geographical locations in which fisheries impact marine mammals.

Summaries of stranding data are provided to Congress, the media, and the public in the form of a NMFS Annual report and posted on the NMFS web page. In addition, the stranding data serve as the raw database for the Marine Mammal Events Program of the Smithsonian Institution which archives data on cetacean strandings. The data obtained is used in mortality investigations, technical memoranda, and peer reviewed publications.

The information and tissues collected in conjunction with response to stranding events have been used by scientists, state management agencies, and conservation organizations. A substantial number of publications have resulted from stranding data to include information on basic morphology and distribution of marine mammals, biochemistry, diseases of marine mammals, and on the potential for interaction with fisheries.

There were 1,194 live stranded animals reported in 1999. The Marine Mammal Rehabilitation Disposition Report provides NMFS with information on the disposition of animals brought in for rehabilitation, the success of medical treatment, and the number of animals released. This information will assist the Agency in tracking marine mammals that move into captive display and in the monitoring of rehabilitation and release. The data will also be used to assess the burden on stranding network centers. This form will be filled out only in the case of live-stranded marine mammals. The form will be required in all five NMFS Regions.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Currently, electronic submission of data is not used, but is actively being developed. A National Database modeled after the Northeast Region's pilot database is being developed so that data can be directly entered on-line by Stranding Network members. However, this initiative will take time to implement, so data should continue to be tabulated in paper form. The tentative timeline is to have an electronic reporting system by 2002.

4. Describe efforts to identify duplication.

Although some duplication of reporting may result from a large number of stranding network members reporting stranding events, it has not been a problem to date. Any duplication is eliminated during data entry and storage by regional NMFS personnel. Centralizing the data in the National Database will provide the most efficient means to distribute information upon requests from other Federal agencies (e.g., Navy, Smithsonian Institute, etc.), Network members, state and local managers. Once the database is completed and functional, data requests will be more manageable thus decreasing the workload on the NMFS regional stranding coordinator and the Network.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Collection and centralizing data across areas involving small entities (i.e., typically not-for-profit organizations) should minimize the burden of each organization building and maintaining on their own independent databases. Since stranding network members can view data from other groups in a centralized database, communication and cooperation between the Network members should increase.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the information collection was not conducted by NMFS, either another Federal agency or private organization would need to act in its place as coordinator for the data. If the material and data were not collected, U.S. Government decisions on the management of marine mammals and the management of fisheries would not be made from the best available information. In addition, the Government would not be able to implement Title IV of the MMPA.

Section 404 of the MMPA mandates that the Secretary respond to unusual marine mortality events. Response time is critical especially in the instance of an unusual mortality event. The NMFS regional stranding coordinators require near real time data to alert NMFS when an unusual mortality event is occurring. Also, without a historical baseline provided by information collected from strandings, detection and investigation of such events is more difficult.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Because detection and response to mortality events or other problems having an impact on marine mammals is extremely time sensitive, quarterly reporting is not a viable option.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments.

A copy of the Federal Register notice is Attachment 8. Numerous comments were received and are summarized in Attachment 9.

Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Agency personnel participate in annual meetings of the regional stranding networks to discuss stranding events, clarify data requirements, and offer guidance with the reporting process.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

No assurances of confidentiality are necessary or given.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

The information collection does not require the submission of information of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

There are approximately 400 institutions who are authorized by NMFS to participate in the Marine Mammal Stranding Network. Responses are filed as marine mammals strand. Therefore, the number of reports filed per respondent varies considerably. Many Network members do not have an occasion to respond to a stranding during a year; however, a few may file up to several hundred reports. Strandings were 5,726 in 1998 and 3,175 in 1999, but the normal annual average response is estimated at 4,000. There are two required forms: the Marine Mammal Stranding Report and the Marine Mammal Rehabilitation Disposition Report. These forms will be required nationwide; however, the Marine Mammal Rehabilitation Disposition Report is only required for live animal strandings. It is estimated that the average time necessary to complete each form is 20 minutes, so the total annual response time for the two forms is shown below.

<u>Form</u>	<u>Approx. # of responses annually</u>	<u>Approx. # hours required</u>
Stranding Report	4000	1333
Disposition Report	800	267

Using an average wage rate of \$20/hour, the annualized cost to all respondents is estimated at approximately \$27,000 and \$5340 for each of the forms, respectively. For all respondents combined, the total annual cost of reporting is approximately \$32,340. For approximately 400 respondents, the cost to each will vary depending on number of strandings, but is estimated to be \$80.85 to complete these forms annually.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

There should be no additional cost to respondents in terms of capital and start-up costs. The sole cost for operations would involve the cost of postage for mailing the completed reports to the appropriate

NMFS Regional Office. This cost is estimated to be approximately \$2,200 annually, although it should be less because respondents often submit multiple stranding reports at one time.

14. Provide estimates of annualized cost to the Federal government.

It is estimated that ten staff months are involved in data processing and analysis. An estimate of three staff months was provided by the Southwest Region which has the highest number of strandings. Two staff months has been applied to the Northeast, Northwest, and Southeast Regions. An estimate of one staff month has been applied to Alaska where the total number of reports is considerably less than in other Regions. Two staff month have been estimated for headquarters staff. The total cost to the Federal government is estimated at \$69,291.19. This figure includes:

\$ 46,629.33 in salaries

\$ 10,678.12 for leave at a rate of 22.9 percent of salaries

\$ 11,983.74 for employer's contribution to benefits at 25.7%
percent of salaries

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This request is for a program change to reinstate OMB approval for an expired clearance and for new collection requirements.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Data from the Marine Mammal Stranding form and the Marine Mammal Disposition form will be entered into the database, reviewed by the NMFS regional stranding coordinators, summarized, and compiled into a NMFS annual report. Also, the regional stranding coordinators will summarize and provide data upon written request. Information may also be used as baselines for comparisons of die-offs and may be included in official NMFS tech memos, peer reviewed publications, and posted on the NMFS web.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Such approval is not sought.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions.

B. Sampling is not used.

TITLE IV—Marine Mammal Health and Stranding Response

Establishment of Program

16 U.S.C. 1421

Sec. 401. (a) ESTABLISHMENT. — The Secretary shall, in consultation with the Secretary of the Interior, the Marine Mammal Commission, and individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, including stranding network participants, establish a program to be known as the "Marine Mammal Health and Stranding Response Program".

(b) PURPOSES. — The purposes of the Program shall be to—

(1) facilitate the collection and dissemination of reference data on the health of marine mammals and health trends of marine mammal populations in the wild;

(2) correlate the health of marine mammals and marine mammal populations, in the wild, with available data on physical, chemical, and biological environmental parameters; and

(3) coordinate effective responses to unusual mortality events by establishing a process in the Department of Commerce in accordance with section 404.

Determination; Data Collection and Dissemination

16 U.S.C. 1421a

Sec. 402. (a) DETERMINATION FOR RELEASE. — The Secretary shall, in consultation with the Secretary of the Interior, the Marine Mammal Commission, and individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, including stranding network participants, develop objective criteria, after an opportunity for public review and comment, to provide guidance for determining at what point a rehabilitated marine mammal is releasable to the wild.

(b) COLLECTION. — The Secretary shall, in consultation with the Secretary of the Interior, collect and update, periodically, existing information on—

(1) procedures and practices for—

(A) rescuing and rehabilitating stranded marine mammals, including criteria used by stranding network participants, on a species-by-species basis, for determining at what point a marine mammal undergoing rescue and rehabilitation is returnable to the wild; and

(B) collecting, preserving, labeling, and transporting marine mammal tissues for physical, chemical, and biological analyses;

(2) appropriate scientific literature on marine mammal health, disease, and rehabilitation;

(3) strandings, which the Secretary shall compile and analyze, by region, to monitor species, numbers, conditions, and causes of illnesses and deaths of stranded marine mammals; and

(4) other life history and reference level data, including marine mammal tissue analyses, that would allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters.

(c) AVAILABILITY. — The Secretary shall make information collected under this section available to stranding network participants and other qualified scientists.

Stranding Response Agreements

16 U.S.C. 1421b

Sec. 403. (a) IN GENERAL. — The Secretary may enter into an agreement under section 112(c) with any person to take marine mammals under section 109(h)(1) in response to a stranding.

(b) REQUIRED PROVISION. — An agreement authorized by subsection (a) shall—

(1) specify each person who is authorized to perform activities under the agreement; and

(2) specify any terms and conditions under which a person so specified may delegate that authority to another person.

(c) REVIEW. — The Secretary shall periodically review agreements under section 112(c) that are entered into pursuant to this title, for performance adequacy and effectiveness.

Unusual Mortality Event Response

16 U.S.C. 1421c

Sec. 404. (a) RESPONSE. —

(1) WORKING GROUP. — (A) The Secretary, acting through the Office, shall establish, in consultation with the Secretary of the Interior, a marine mammal unusual mortality event working group, consisting of individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, marine conservation, and medical science, to provide guidance to the Secretary and the Secretary of the Interior for—

(i) determining whether an unusual mortality event is occurring;

(ii) determining, after an unusual mortality event has begun, if response actions with respect to that event are no longer necessary; and

(iii) developing the contingency plan in accordance with subsection (b), to assist the Secretary in responding to unusual mortality events.

(B) The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the marine mammal unusual mortality event working group established under this paragraph.

(2) RESPONSE TIMING. — The Secretary, in consultation with the Secretary of the Interior, shall to the extent necessary and practicable—

(A) within 24 hours after receiving notification from a stranding network participant that an unusual mortality event might be occurring, contact as many members as is possible of the unusual mortality event working group for guidance; and

(B) within 48 hours after receiving such notification—

(i) make a determination as to whether an unusual mortality event is occurring;

(ii) inform the stranding network participant of that determination; and

(iii) if the Secretary has determined an unusual mortality event is occurring, designate an Onsite Coordinator for the event, in accordance with subsection (c).

(b) CONTINGENCY PLAN. —

(1) IN GENERAL. — The Secretary shall, in consultation with the Secretary of the Interior and the unusual mortality event working group, and after an opportunity for public review and comment, issue a detailed contingency plan for responding to any unusual mortality event.

(2) CONTENTS. — The contingency plan required under this subsection shall include—

(A) a list of persons, including stranding network participants, at a regional, State, and local level, who can assist the Secretary in implementing a coordinated and effective response to an unusual mortality event;

(B) the types of marine mammal tissues and analyses necessary to assist in diagnosing causes of unusual mortality events;

(C) training, mobilization, and utilization procedures for available personnel, facilities, and other resources necessary to conduct a rapid and effective response to unusual mortality events; and

(D) such requirements as are necessary to—

(i) minimize death of marine mammals in the wild and provide appropriate care of marine mammals during an unusual mortality event;

(ii) assist in identifying the cause or causes of an unusual mortality event;

(iii) determine the effects of an unusual mortality event on the size estimates of the affected populations of marine mammals; and

(iv) identify any roles played in an unusual mortality event by physical, chemical, and biological factors, including contaminants.

(c) ONSITE COORDINATORS. —

(1) DESIGNATION. — (A) The Secretary shall, in consultation with the Secretary of the Interior, designate one or more Onsite Coordinators for an unusual mortality event, who shall make immediate recommendations to the stranding network participants on how to proceed with response activities.

(B) An Onsite Coordinator so designated shall be one or more appropriate Regional Directors of the National Marine Fisheries Service or the United States Fish and Wildlife Service, or their designees.

(C) If, because of the wide geographic distribution, multiple species of marine mammals involved, or magnitude of an unusual mortality event, more than one Onsite Coordinator is designated, the Secretary shall, in consultation with the Secretary of the Interior, designate which of the Onsite Coordinators shall have primary responsibility with respect to the event.

(2) FUNCTIONS. — (A) An Onsite Coordinator designated under this subsection shall coordinate and direct the activities of all persons responding to an unusual mortality event in accordance with the contingency plan issued under subsection (b), except that—

(i) with respect to any matter that is not covered by the contingency plan, an Onsite Coordinator shall use his or her best professional judgment; and

(ii) the contingency plan may be temporarily modified by an Onsite Coordinator, consulting as expeditiously as possible with the Secretary, the Secretary of the Interior, and the unusual mortality

event working group.

(B) An Onsite Coordinator may delegate to any qualified person authority to act as an Onsite Coordinator under this title.

Unusual Mortality Event Activity Funding

16 U.S.C. 1421d

Sec. 405. (a) ESTABLISHMENT OF FUND. — There is established in the Treasury an interest bearing fund to be known as the "Marine Mammal Unusual Mortality Event Fund", which shall consist of amounts deposited into the Fund under subsection (c).

(b) USES. —

(1) IN GENERAL. — Amounts in the Fund—

(A) shall be available only for use by the Secretary, in consultation with the Secretary of the Interior—

(i) to compensate persons for special costs incurred in acting in accordance with the contingency plan issued under section 404(b) or under the direction of an Onsite Coordinator for an unusual mortality event;

(ii) for reimbursing any stranding network participant for costs incurred in preparing and transporting tissues collected with respect to an unusual mortality event for the Tissue Bank; and

(iii) for care and maintenance of marine mammal seized under section 104(c)(2)(D); and

(B) shall remain available until expended.

(2) PENDING CLAIMS. — If sufficient amounts are not available in the Fund to satisfy any authorized pending claim, such claim shall remain pending until such time as sufficient amounts are available. All authorized pending claims shall be satisfied in the order received.

(c) DEPOSITS INTO THE FUND. — There shall be deposited into the Fund—

(1) amounts appropriated to the Fund;

(2) other amounts appropriated to the Secretary for use with respect to unusual mortality events; and

(3) amounts received by the United States in the form of gifts, devises, and bequests under subsection (d).

(d) ACCEPTANCE OF DONATIONS. — For purposes of carrying out this title and section 104(c)(2)(D), the Secretary may accept, solicit, and use the services of volunteers, and may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests.

Liability

16 U.S.C. 1421e

Sec. 406. (a) IN GENERAL. — A person who is authorized to respond to a stranding pursuant to an agreement entered into under section 112(c) is deemed to be an employee of the government for purposes of chapter 171 of title 28, United States Code, with respect to actions of the person that are—

(1) in accordance with the agreement; and

(2) in the case of an unusual mortality event, in accordance with—

(A) the contingency plan issued under section 404(b);

(B) the instructions of an Onsite Coordinator designated under section 404(c); or

(C) the best professional judgment of an Onsite Coordinator, in the case of any matter that is not covered by the contingency plan.

(b) LIMITATION. — Subsection (a) does not apply to actions of a person described in that subsection that are grossly negligent or that constitute willful misconduct.

National Marine Mammal Tissue Bank and Tissue Analysis

16 U.S.C. 1421f

Sec. 407. (a) TISSUE BANK. —

(1) IN GENERAL. — The Secretary shall make provision for the storage, preparation, examination, and archiving of marine mammal tissues. Tissues archived pursuant to this subsection shall be known as the "National Marine Mammal Tissue Bank".

(2) GUIDANCE FOR MARINE MAMMAL TISSUE COLLECTION, PREPARATION, AND ARCHIVING. — The Secretary shall, in consultation with individuals with knowledge and expertise in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, issue guidance, after an opportunity for public review and comment, for marine mammal tissue collection, preparation, archiving, and quality control procedures, regarding—

(A) appropriate and uniform methods and standards for those activities to provide confidence in marine mammal tissue samples used for research; and

(B) documentation of procedures used for collecting, preparing, and archiving those samples.

(3) SOURCE OF TISSUE. — In addition to tissues taken during marine mammal unusual mortality events, the Tissue Bank shall incorporate tissue samples taken from other sources in the wild, including—

(A) samples from marine mammals taken incidental to commercial fishing operations;

(B) samples from marine mammals taken for subsistence purposes;

(C) biopsy samples; and

(D) any other samples properly collected.

(b) TISSUE ANALYSIS. — The Secretary shall, in consultation with the Marine Mammal Commission, the Secretary of the Interior, and individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, issue guidance, after an opportunity for public review and comment, for analyzing tissue samples (by use of the most effective and advanced diagnostic technologies and tools practicable) as a means to monitor and measure overall health trends in representative species or populations of marine mammals, including—

(1) the levels of, and if possible, the effects of, potentially harmful contaminants; and

(2) the frequency of, and if possible, the causes and effects of abnormal lesions or anomalies.

(c) DATA BASE. —

(1) IN GENERAL. — The Secretary shall maintain a central data base which provides an effective means for tracking and accessing data on marine mammals, including relevant data on marine mammal tissues collected for and maintained in the Tissue Bank.

(2) CONTENTS. — The data base established under this subsection shall include—

(A) reference data on the health of marine mammals and populations of marine mammals; and

(B) data on species of marine mammals that are subject to unusual mortality events.

(d) ACCESS. — The Secretary shall, in consultation with the Secretary of the Interior, establish criteria, after an opportunity for public review and comment, for access to—

(1) marine mammal tissues in the Tissue Bank;

(2) analyses conducted pursuant to subsection (b); and

(3) marine mammal data in the data base maintained under subsection (c);

which provide for appropriate uses of the tissues, analyses, and data by qualified scientists, including stranding network participants.

Authorization of Appropriations

16 U.S.C. 1421g

Sec. 408. There is authorized to be appropriated—

(1) to the Secretary for carrying out this title (other than sections 405 and 407) \$250,000 for each of fiscal years 1993 and 1994;

(2) to the Secretary for carrying out section 407, \$250,000 for each of fiscal years 1993 and 1994; and

(3) to the Fund, \$500,000 for fiscal year 1993.

Definitions

16 U.S.C. 1421h

Sec. 409. In this title, the following definitions apply:

(1) The term "Fund" means the Marine Mammal Unusual Mortality Event Fund established by section 405(a).

(2) The term "Office" means the Office of Protected Resources, in the National Marine Fisheries Service.

(3) The term "stranding" means an event in the wild in which—

(A) a marine mammal is dead and is—

(i) on a beach or shore of the United States; or

(ii) in waters under the jurisdiction of the United States (including any navigable waters); or

(B) a marine mammal is alive and is—

(i) on a beach or shore of the United States and unable to return to the water;

(ii) on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or

(iii) in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance.

(4) The term "stranding network participant" means a person who is authorized by an agreement under section 112(c) to take marine mammals as described in section 109(h)(1) in response to a stranding.

(5) The term "Tissue Bank" means the National Marine Tissue Bank provided for under section 407(a).

(6) The term "unusual mortality event" means a stranding that—

(A) is unexpected;

(B) involves a significant die-off of any marine mammal population; and

(C) demands immediate response.

Permits

16 U.S.C. 1374

Sec. 104. (a) [ISSUANCE.] — The Secretary may issue permits which authorize the taking or importation of any marine mammal. Permits for the incidental taking of marine mammals in the course of commercial fishing operations may only be issued as specifically provided for in sections 101(a)(5) or 306, or subsection (h) of this section.

(b) [REQUISITE PROVISIONS.] — Any permit issued under this section shall—

(1) be consistent with any applicable regulation established by the Secretary under section 103 of this title, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken or imported,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

In any case in which an application for a permit cites as a reason for the proposed taking the overpopulation of a particular species or population stock, the Secretary shall first consider whether or not it would be more desirable to transplant a number of animals (but not to exceed the number requested for taking in the application) of that species or stock to a location not then inhabited by such species or stock but previously inhabited by such species or stock.

(c) [IMPORTATION FOR DISPLAY OR RESEARCH.] —

(1) Any permit issued by the Secretary which authorizes the taking or importation of a marine mammal for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed pursuant to such taking or importation. Any person authorized to take or import a marine mammal for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority.

(2)(A) A permit may be issued to take or import a marine mammal for the purpose of public display only to a person which the Secretary determines—

(i) offers a program for education or conservation purposes that is based on professionally

recognized standards of the public display community;

(ii) is registered or holds a license issued under 7 U.S.C. 2131 et seq.; and

(iii) maintains facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis and that access to such facilities is not limited or restricted other than by charging of an admission fee.

(B) A permit under this paragraph shall grant to the person to which it is issued the right, without obtaining any additional permit or authorization under this Act, to—

(i) take, import, purchase, offer to purchase, possess, or transport the marine mammal that is the subject of the permit; and

(ii) sell, export, or otherwise transfer possession of the marine mammal, or offer to sell, export, or otherwise transfer possession of the marine mammal—

(I) for the purpose of public display, to a person that meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A);

(II) for the purpose of scientific research, to a person that meets the requirements of paragraph (3); or

(III) for the purpose of enhancing the survival or recovery of a species or stock, to a person that meets the requirements of paragraph (4).

(C) A person to which a marine mammal is sold or exported or to which possession of a marine mammal is otherwise transferred under the authority of subparagraph (B) shall have the rights and responsibilities described in subparagraph (B) with respect to the marine mammal without obtaining any additional permit or authorization under this Act. Such responsibilities shall be limited to—

(i) for the purpose of public display, the responsibility to meet the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

(ii) for the purpose of scientific research, the responsibility to meet the requirements of paragraph (3), and

(iii) for the purpose of enhancing the survival or recovery of a species or stock, the responsibility to meet the requirements of paragraph (4).

(D) If the Secretary—

(i) finds in concurrence with the Secretary of Agriculture, that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A)(ii) and is not reasonably likely to meet those requirements in the near future, or

(ii) finds that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A) (i) or (iii) and is not reasonably likely to meet those requirements in the near future,

the Secretary may revoke the permit in accordance with section 104(e), seize the marine mammal, or cooperate with other persons authorized to hold marine mammals under this Act for disposition of the marine mammal. The Secretary may recover from the person expenses incurred by the Secretary for that seizure.

(E) No marine mammal held pursuant to a permit issued under subparagraph (A), or by a person exercising rights under subparagraph (C), may be sold, purchased, exported, or transported unless the Secretary is notified of such action no later than 15 days before such action, and such action is for purposes of public display, scientific research, or enhancing the survival or recovery of a species or stock. The Secretary may only require the notification to include the information required for the inventory established under paragraph (10).

(3)(A) The Secretary may issue a permit under this paragraph for scientific research purposes to an applicant which submits with its permit application information indicating that the taking is required to further a bona fide scientific purpose. The Secretary may issue a permit under this paragraph before the end of the public review and comment period required under subsection (d)(2) if delaying issuance of the permit could result in injury to a species, stock, or individual, or in loss of unique research opportunities.

(B) No permit issued for purposes of scientific research shall authorize the lethal taking of a marine mammal unless the applicant demonstrates that a nonlethal method of conducting the research is not feasible. The Secretary shall not issue a permit for research which involves the lethal taking of a marine mammal from a species or stock that is depleted, unless the Secretary determines that the results of such research will directly benefit that species or stock, or that such research fulfills a critically important research need.

(C) Not later than 120 days after the date of enactment of the Marine Mammal Protection Act Amendments of 1994 [August 28, 1994], the Secretary shall issue a general authorization and implementing regulations allowing bona fide scientific research that may result only in taking by Level B harassment of a marine mammal. Such authorization shall apply to persons which submit, by 60 days before commencement of such research, a letter of intent via certified mail to the Secretary containing the following:

(i) The species or stocks of marine mammals which may be harassed.

(ii) The geographic location of the research.

(iii) The period of time over which the research will be conducted.

(iv) The purpose of the research, including a description of how the definition of bona fide research as established under this Act would apply.

(v) Methods to be used to conduct the research.

Not later than 30 days after receipt of a letter of intent to conduct scientific research under the general

authorization, the Secretary shall issue a letter to the applicant confirming that the general authorization applies, or, if the proposed research is likely to result in the taking (including Level A harassment) of a marine mammal, shall notify the applicant that subparagraph (A) applies.

(4)(A) A permit may be issued for enhancing the survival or recovery of a species or stock only with respect to a species or stock for which the Secretary, after consultation with the Marine Mammal Commission and after notice and opportunity for public comment, has first determined that—

(i) taking or importation is likely to contribute significantly to maintaining or increasing distribution or numbers necessary to ensure the survival or recovery of the species or stock; and

(ii) taking or importation is consistent (I) with any conservation plan adopted by the Secretary under section 115(b) of this title or any recovery plan developed under section 4(f) of the Endangered Species Act of 1973 for the species or stock, or (II) if there is no conservation or recovery plan in place, with the Secretary's evaluation of actions required to enhance the survival or recovery of the species or stock in light to the factors that would be addressed in a conservation plan or a recovery plan.

(B) A permit issued in accordance with this paragraph may allow the captive maintenance of a marine mammal from a depleted species or stock only if the Secretary—

(i) determines that captive maintenance is likely to contribute to the survival or recovery of the species or stock by maintaining a viable gene pool, increasing productivity, providing biological information, or establishing animal reserves;

(ii) determines that the expected benefit to the affected species or stock outweighs the expected benefit of alternatives which do not require removal of animals from the wild; and

(iii) requires that the marine mammal or its progeny be returned to the natural habitat of the species or stock as soon as feasible, consistent with the objectives of any applicable conservation plan or recovery plan, or of any evaluation by the Secretary under subparagraph (A).

The Secretary may allow the public display of such a marine mammal only if the Secretary determines that such display is incidental to the authorized maintenance and will not interfere with the attainment of the survival or recovery objectives.

(5)(A) The Secretary may issue a permit for the importation of polar bear parts (other than internal organs) taken in sport hunts in Canada, to an applicant which submits with its permit application proof that the polar bear was legally harvested in Canada by the applicant. Such a permit shall be issued if the Secretary, in consultation with the Marine Mammal Commission and after notice and opportunity for public comment, finds that—

(i) Canada has a monitored and enforced sport hunting program consistent with the purposes of the Agreement on the Conservation of Polar Bears;

(ii) Canada has a sport hunting program based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level;

(iii) the export and subsequent import are consistent with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and other international agreements and conventions; and

(iv) the export and subsequent import are not likely to contribute to illegal trade in bear parts.

(B) The Secretary shall establish and charge a reasonable fee for permits issued under this paragraph. All fees collected under this paragraph shall be available to the Secretary for use in developing and implementing cooperative research and management programs for the conservation of polar bears in Alaska and Russia pursuant to section 113(d).

(C)(i) The Secretary shall undertake a scientific review of the impact of permits issued under this paragraph on the polar bear population stocks in Canada within 2 years after the date of enactment of this paragraph [April 30, 1996]. The Secretary shall provide an opportunity for public comment during the course of such review, and shall include a response to such public comment in the final report on such review.

(ii) The Secretary shall not issue permits under this paragraph after September 30, 1996, if the Secretary determines, based on the scientific review, that the issuance of permits under this paragraph is having a significant adverse impact on the polar bear population stocks in Canada. The Secretary may review such determination annually thereafter, in light of the best scientific information available, and shall complete the review not later than January 31 in any year a review is undertaken. The Secretary may issue permits under this paragraph whenever the Secretary determines, on the basis of such annual review, that the issuance of permits under this paragraph is not having a significant adverse impact on the polar bear population stocks in Canada.

(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30 day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994 [April 30, 1994], to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph [June 12, 1997].

(6) A permit may be issued for photography for educational or commercial purposes involving marine mammals in the wild only to an applicant which submits with its permit application information indicating that the taking will be limited to Level B harassment, and the manner in which the products of such activities will be made available to the public.

(7) Upon request by a person for a permit under paragraph (2), (3), or (4) for a marine mammal which is in the possession of any person authorized to possess it under this Act and which is determined under guidance under section 402(a) not to be releasable to the wild, the Secretary shall issue the permit to the person requesting the permit if that person—

(A) meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A), in the case of a request for a permit under paragraph (2);

(B) meets the requirements of paragraph (3), in the case of a request for a permit under that paragraph; or

(C) meets the requirements of paragraph (4), in the case of a request for a permit under that paragraph.

(8)(A) No additional permit or authorization shall be required to possess, sell, purchase, transport, export, or offer to sell or purchase the progeny of marine mammals taken or imported under this subsection, if such possession, sale, purchase, transport, export, or offer to sell or purchase is—

(i) for the purpose of public display, and by or to, respectively, a person which meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A);

(ii) for the purpose of scientific research, and by or to, respectively, a person which meets the requirements of paragraph (3); or

(iii) for the purpose of enhancing the survival or recovery of a species or stock, and by or to, respectively, a person which meets the requirements of paragraph (4).

(B)(i) A person which has a permit under paragraph (2), or a person exercising rights under paragraph (2)(C), which has possession of a marine mammal that gives birth to progeny shall—

(I) notify the Secretary of the birth of such progeny within 30 days after the date of birth; and

(II) notify the Secretary of the sale, purchase, or transport of such progeny no later than 15 days before such action.

(ii) The Secretary may only require notification under clause (i) to include the information required for the inventory established under paragraph (10).

(C) Any progeny of a marine mammal born in captivity before the date of the enactment of the Marine Mammal Protection Act Amendments of 1994 [April 30, 1994] and held in captivity for the purpose of public display shall be treated as though born after that date of enactment.

(9) No marine mammal may be exported for the purpose of public display, scientific research, or enhancing the survival or recovery of a species or stock unless the receiving facility meets standards that are comparable to the requirements that a person must meet to receive a permit under this subsection for that purpose.

(10) The Secretary shall establish and maintain an inventory of all marine mammals possessed pursuant to permits issued under paragraph (2)(A), by persons exercising rights under paragraph (2)(C), and all progeny of such marine mammals. The inventory shall contain, for each marine mammal, only the following information which shall be provided by a person holding a marine mammal under this Act:

(A) The name of the marine mammal or other identification.

(B) The sex of the marine mammal.

(C) The estimated or actual birth date of the marine mammal.

(D) The date of acquisition or disposition of the marine mammal by the permit holder.

(E) The source from whom the marine mammal was acquired including the location of the take from the wild, if applicable.

(F) If the marine mammal is transferred, the name of the recipient.

(G) A notation if the animal was acquired as the result of a stranding.

(H) The date of death of the marine mammal and the cause of death when determined.

(d) [APPLICATION PROCEDURES; NOTICE; HEARING; REVIEW.] —

(1) The Secretary shall prescribe such procedures as are necessary to carry out this section, including the form and manner in which application for permits may be made.

(2) The Secretary shall publish notice in the Federal Register of each application made for a permit under this section. Such notice shall invite the submission from interested parties, within thirty days after the date of the notice, of written data or views, with respect to the taking or importation proposed in such application.

(3) The applicant for any permit under this section must demonstrate to the Secretary that the taking or importation of any marine mammal under such permit will be consistent with the purposes of this Act and the applicable regulations established under section 103 of this title.

(4) If within thirty days after the date of publication of notice pursuant to paragraph (2) of this subsection with respect to any application for a permit any interested party or parties request a hearing in connection therewith, the Secretary may, within sixty days following such date of publication, afford to such party or parties an opportunity for such a hearing.

(5) As soon as practicable (but not later than thirty days) after the close of the hearing or, if no hearing is held, after the last day on which data, or views, may be submitted pursuant to paragraph (2) of this subsection, the Secretary shall (A) issue a permit containing such terms and conditions as he deems appropriate, or (B) shall deny issuance of a permit. Notice of the decision of the Secretary to issue or to deny any permit under this paragraph must be published in the Federal Register within ten days after the date of issuance or denial.

(6) Any applicant for a permit, or any party opposed to such permit, may obtain judicial review of the terms and conditions of any permit issued by the Secretary under this section or of his refusal to issue such a permit. Such review, which shall be pursuant to chapter 7 of Title 5, United States Code, may be initiated by filing a petition for review in the United States district court for the district wherein the applicant for a permit resides, or has his principal place of business, or in the United States District Court for the District of Columbia, within sixty days after the date on which such permit is issued or denied.

(e) [MODIFICATION, SUSPENSION, AND REVOCATION.] —

(1) The Secretary may modify, suspend, or revoke in whole or part any permit issued by him under this

section—

(A) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable regulation prescribed under section 103 of this title,

(B) in any case in which a violation of the terms and conditions of the permit is found, or

(C) if, in the case of a permit under subsection (c)(5) authorizing importation of polar bear parts, the Secretary, in consultation with the appropriate authority in Canada, determines that the sustainability of Canada's polar bear population stocks are being adversely affected or that sport hunting may be having a detrimental effect on maintaining polar bear population stocks throughout their range.

(2) Whenever the Secretary shall propose any modification, suspension, or revocation of a permit under this subsection, the permittee shall be afforded opportunity, after due notice, for a hearing by the Secretary with respect to such proposed modification, suspension, or revocation. Such proposed action by the Secretary shall not take effect until a decision is issued by him after such hearing. Any action taken by the Secretary after such a hearing is subject to judicial review on the same basis as is any action taken by him with respect to a permit application under paragraph (5) of subsection (d) of this section.

(3) Notice of the modification, suspension, or revocation of any permit by the Secretary shall be published in the Federal Register within ten days from the date of the Secretary's decision.

(f) [POSSESSION OF PERMIT BY ISSUUEE OR HIS AGENT.] — Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized or taking importation;

(2) the period of any transit of such person or agent which is incident to such taking or importation; and

(3) any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(g) [FEES.] — The Secretary shall establish and charge a reasonable fee for permits issued under this section.

(h) [GENERAL PERMITS.] — (1) Consistent with the regulations prescribed pursuant to section 103 of this title and the requirements of section 101 of this title, the Secretary may issue an annual permit to a United States purse seine fishing vessel for the taking of such marine mammals, and shall issue regulations to cover the use of any such annual permits.

(2) Such annual permits for the incidental taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean shall be governed by section 306 of this Act, subject to the regulations issued pursuant to section 303 of this Act.

(3)(A) The Secretary shall, commencing on January 1, 1985, undertake a scientific research program to monitor for at least five consecutive years, and periodically as necessary thereafter, the indices of abundance and trends of marine mammal population stocks which are incidentally taken in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

(B) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the monitoring program), that the incidental taking of marine mammals permitted under the general permit referred to in paragraph (2) is having a significant adverse effect on a marine mammal population stock, the Secretary shall take such action as is necessary, after notice and an opportunity for an agency hearing on the record, to modify the applicable incidental take quotas or requirements for gear and fishing practices (or both such quotas and requirements) for such fishing so as to ensure that the marine mammal population stock is not significantly adversely affected by the incidental taking.

(C) For each year after 1984, the Secretary shall include in his annual report to the public and the Congress under section 103(f) a discussion of the proposed activities to be conducted each year as part of the monitoring program required by subparagraph (A).

(D) There are authorized to be appropriated to the Department of Commerce for purposes of carrying out the monitoring program required under this paragraph not to exceed \$4,000,000 for the period beginning October 1, 1984, and ending September 30, 1988.

Penalties

16 U.S.C. 1375

Sec. 105. (a)(1) Any person who violates any provision of this title or of any permit or regulation issued thereunder, except as provided in section 118, may be assessed a civil penalty by the Secretary of not more than \$10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each unlawful taking or importation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(2) In any case involving an alleged unlawful importation of a marine mammal or marine mammal product, if such importation is made by an individual for his own personal or family use (which does not include importation as an accommodation to others or for sale or other commercial use), the Secretary may, in lieu of instituting a proceeding under paragraph (1), allow the individual to abandon the mammal or product, under procedures to be prescribed by the Secretary, to the enforcement officer at the port of entry.

(b) Any person who knowingly violates any provision of this title or of any permit or regulation issued thereunder (except as provided in section 118) shall, upon conviction, be fined not more than \$20,000 for each such violation, or imprisoned for not more than one year, or both.

§216.22

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through 1187, as in each case, from time to time amended.

[39 FR 1852, Jan. 15, 1974, as amended at 59 FR 50376, Oct. 3, 1994]

§216.22 Taking by State or local government officials.

(a) A State or local government official or employee may take a marine mammal in the normal course of his duties as an official or employee, and no permit shall be required, if such taking:

(1) Is accomplished in a humane manner;

(2) Is for the protection or welfare of such mammal or for the protection of the public health or welfare; and

(3) Includes steps designed to insure return of such mammal, if not killed in the course of such taking, to its natural habitat. In addition, any such official or employee may, incidental to such taking, possess and transport, but not sell or offer for sale, such mammal and use any port, harbor, or other place under the jurisdiction of the United States. All steps reasonably practicable under the circumstances shall be taken by any such employee or official to prevent injury or death to the marine mammal as the result of such taking. Where the marine mammal in question is injured or sick, it shall be permissible to place it in temporary captivity until such time as it is able to be returned to its natural habitat. It shall be permissible to dispose of a carcass of a marine mammal taken in accordance with this subsection whether the animal is dead at the time of taking or dies subsequent thereto.

(b) Each taking permitted under this section shall be included in a written report to be submitted to the Secretary every six months beginning December 31, 1973. Unless otherwise permitted by the Secretary, the report shall contain a description of:

(1) The animal involved;

(2) The circumstances requiring the taking;

(3) The method of taking;

(4) The name and official position of the State official or employee involved;

(5) The disposition of the animal, including in cases where the animal has been retained in captivity, a description of the place and means of confine-

ment and the measures taken for its maintenance and care; and

(6) Such other information as the Secretary may require.

(c) Salvage of dead stranded marine mammals or parts therefrom and subsequent transfer.

(1) *Salvage.* In the performance of official duties, a state or local government employee; an employee of the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, or any other Federal agency with jurisdiction and conservation responsibilities in marine shoreline areas; or a person authorized under 16 U.S.C. 1382(c) may take and salvage a marine mammal specimen if it is stranded and dead or it was stranded or rescued and died during treatment, transport, captivity or other rehabilitation subsequent to that stranding or distress if salvage is for the purpose of utilization in scientific research or for the purpose of maintenance in a properly curated, professionally accredited scientific collection.

(2) *Registration.* A person salvaging a dead marine mammal specimen under this section must register the salvage of the specimen with the appropriate Regional Office of the National Marine Fisheries Service within 30 days after the taking or death occurs. The registration must include:

(i) The name, address, and any official position of the individual engaged in the taking and salvage;

(ii) A description of the marine mammal specimen salvaged including the scientific and common names of the species;

(iii) A description of the parts salvaged;

(iv) The date and the location of the taking;

(v) Such other information as deemed necessary by the Assistant Administrator.

(3) *Identification and curation.* The Regional Director will assign a single unique number to each carcass, and the parts thereof, that are salvaged under the provisions of this section. The person who salvaged the specimen may designate the number to be assigned. After this number is assigned, the person who salvaged the specimen must permanently mark that number on

each separate hard part of that specimen and must affix that number with tags or labels to each soft part of that specimen or the containers in which that soft part is kept. Each specimen salvaged under this section must be curated in accordance with professional standards.

(4) *No sale or commercial trade.* No person may sell or trade for commercial purposes any marine mammal specimen salvaged under this section.

(5) *Transfer without prior authorization.* A person who salvages a marine mammal specimen under this section may transfer that specimen to another person if:

(i) The person transferring the marine mammal specimen does not receive remuneration for the specimen;

(ii) The person receiving the marine mammal specimen is an employee of the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, or any other Federal agency with jurisdiction and conservation responsibilities in marine shoreline areas; is a person authorized under 16 U.S.C. 1382(c); or is a person who has received prior authorization under paragraph (c)(6) of this section;

(iii) The marine mammal specimen is transferred for the purpose of scientific research, for the purpose of maintenance in a properly curated, professionally accredited scientific collection, or for educational purposes;

(iv) The unique number assigned by the National Marine Fisheries Service is on, marked on, or affixed to the marine mammal specimen or container; and

(v) Except as provided under paragraph (c)(8) of this section, the person transferring the marine mammal specimen notifies the appropriate Regional Office of the National Marine Fisheries Service of the transfer, including notification of the number of the specimen transferred and the person to whom the specimen was transferred, within 30 days after the transfer occurs.

(6) *Other transfers within the United States.* Except as provided under paragraphs (c)(5) and (c)(8) of this section, a person who salvages a marine mammal specimen, or who has received a marine mammal specimen under the provisions of this section, may not transfer

that specimen to another person within the United States unless the Regional Director of the appropriate Regional Office of the National Marine Fisheries Service grants prior written authorization for the transfer. The Regional Director may grant authorization for the transfer if there is evidence that the conditions listed under paragraphs (c)(5)(i), (c)(5)(iii), and (c)(5)(iv) of this section are met.

(7) *Transfers outside of the United States.* A person who salvages a marine mammal specimen, or a person who has received a marine mammal specimen under the provisions of this section, may not transfer that specimen to a person outside of the United States unless the Assistant Administrator grants prior written authorization for the transfer. The Assistant Administrator may grant authorization for the transfer if there is evidence that the conditions listed under paragraphs (c)(5)(i), (c)(5)(iii), and (c)(5)(iv) of this section are met.

(8) *Exceptions to requirements for notification or prior authorization.* A person may transfer a marine mammal specimen salvaged under this section without the notification required in paragraph (c)(5)(v) of this section or the prior authorization required in paragraph (c)(6) of this section if:

(i) The transfer is a temporary transfer to a laboratory or research facility within the United States so that analyses can be performed for the person salvaging the specimen; or

(ii) The transfer is a loan of not more than 1 year to another professionally accredited scientific collection within the United States.

[39 FR 1852, Jan. 15, 1974, as amended at 56 FR 41307, Aug. 20, 1991]

§ 216.23 Native exceptions.

(a) *Taking.* Notwithstanding the prohibitions of subpart B of this part 216, but subject to the restrictions contained in this section, any Indian, Aleut, or Eskimo who resides on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal without a permit, if such taking is:

(1) By Alaskan Natives who reside in Alaska for subsistence, or

(g) [ENVIRONMENTAL IMPACT STATEMENT NOT REQUIRED.] — Neither the transfer of management authority to a State under subsection (b)(1), nor the revocation or voluntary return of such authority under subsection (e), shall be deemed to be an action for which an environmental impact statement is required under section 102 of the National Environmental Policy Act of 1969.

(h) [TAKING OF MARINE MAMMALS AS PART OF OFFICIAL DUTIES.] —

(1) Nothing in this title or title IV shall prevent a Federal, State, or local government official or employee or a person designated under section 112(c) from taking, in the course of his or her duties as an official, employee, or designee, a marine mammal in a humane manner (including euthanasia) if such taking is for—

(A) the protection or welfare of the mammal,

(B) the protection of the public health and welfare, or

(C) the nonlethal removal of nuisance animals.

(2) Nothing in this title shall prevent the Secretary or a person designated under section 112(c) from importing a marine mammal into the United States if such importation is necessary to render medical treatment that is not otherwise available.

(3) In any case in which it is feasible to return to its natural habitat a marine mammal taken or imported under circumstances described in this subsection, steps to achieve that result shall be taken.

(i) [REGULATIONS COVERING TAKING OF MARINE MAMMALS BY ALASKAN NATIVES.] — The Secretary may (after providing notice thereof in the Federal Register and in newspapers of general circulation, and through appropriate electronic media, in the affected area and providing opportunity for a hearing thereon in such area) prescribe regulations requiring the marking, tagging, and reporting of animals taken pursuant to section 101(b).

(j) [GRANTS TO DEVELOP OR ADMINISTER STATE CONSERVATION AND MANAGEMENT PROGRAMS.] — The Secretary may make grants to States to assist them—

(1) in developing programs, to be submitted for approval under subsection (b), for the conservation and management of species of marine mammals; and

(2) in administering such programs if management authority for such species is transferred to the State under such subsection.

Grants made under this subsection may not exceed 50 per centum of the costs of developing a State program before Secretarial approval, or of administering the program thereafter.

(k) [DELEGATION OF ADMINISTRATION AND ENFORCEMENT TO STATES.] — The Secretary is authorized and directed to enter into cooperative arrangements with the appropriate officials of any State for the delegation to such State of the administration and enforcement of this title: *Provided*, That any such arrangement shall contain such provisions as the Secretary deems appropriate to insure that the purposes and policies of this Act will be carried out.

Regulations and Administration

16 U.S.C. 1382

Sec. 112. (a) [CONSULTATION WITH FEDERAL AGENCIES.] — The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

(b) [COOPERATION BY FEDERAL AGENCIES.] — Each Federal agency is authorized and directed to cooperate with the Secretary, in such manner as may be mutually agreeable, in carrying out the purposes of this title.

(c) [CONTRACTS, LEASES, AND COOPERATIVE AGREEMENTS.] — The Secretary may enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the purposes of this title or title IV and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.

(d) [ANNUAL REVIEW; SUSPENSION OF PROGRAM.] — The Secretary shall review annually the operation of each program in which the United States participates involving the taking of marine mammals on land. If at any time the Secretary finds that any such program cannot be administered on lands owned by the United States or in which the United States has an interest in a manner consistent with the purposes of policies of this Act, he shall suspend the operation of that program and shall include in the annual report to the public and the Congress required under section 103(f) of this Act his reasons for such suspension, together with recommendations for such legislation as he deems necessary and appropriate to resolve the problem.

(e) [MEASURES TO ALLEVIATE IMPACTS ON STRATEGIC STOCKS.] — If the Secretary determines, based on a stock assessment under section 117 or other significant new information obtained under this Act, that impacts on rookeries, mating grounds, or other areas of similar ecological significance to marine mammals may be causing the decline or impeding the recovery of a strategic stock, the Secretary may develop and implement conservation or management measures to alleviate those impacts. Such measures shall be developed and implemented after consultation with the Marine Mammal Commission and the appropriate Federal agencies and after notice and opportunity for public comment.

POINTERS FOR AGENCIES INTERESTED IN OBTAINING
A LETTER OF AGREEMENT FROM NMFS/NER

1. ORGANIZATION

A) Vision:

Provide a description of your agency's goals, objectives, and mission. How will these goals compliment recovery objectives for protected species?

B) Structure:

I. **Staffing:** Provide a flow chart of agency structure. Describe title, number, qualifications, and duties of proposed staff and volunteers (include **resumes/CVs** where appropriate).

2. FACILITIES

A) Provide a summary of building space and on site and field equipment.

B) For Rehabilitation Facilities:

1. **Rehabilitation:**

a) Please address each of the following components as they relate to marine mammal and sea turtle care at your facility:

1. temperature
2. water quality
3. pool(s) size; haul-out area size (where appropriate)
4. food preparation
5. sanitation
6. quarantine
7. acoustics and lighting
8. veterinary care

b) Provide copies of any written protocol you have developed for marine mammal and sea turtle care at you facility.

Note: NMFS is currently developing Marine Mammal Rehabilitation Facility Guidelines. Draft Guidelines should be available by September 2000.

2. Release of Rehabilitated animals:

NMFS has drafted guidelines for marine mammal release. (Attachment A).

Note: Existing Regulations for marine mammal rehabilitation and release can be found in the Code of Federal Regulations for Wildlife and Fisheries at 50 CFR 216.27 (Attachment B). Your agency must comply with these regulations.

3. OPERATIONS

A) ***Stranding Response:*** Outline proposed response procedures for stranded marine mammals and sea turtles. Include a description of how calls will be handled, which staff would respond, equipment, and what the general rescue plan would entail. Describe plans for on scene veterinary care for live animal response.

B) ***Necropsy and Human Impacts Assessment:*** Stranding network personnel are expected to investigate each stranded animal in an attempt to determine cause of death and potential human impacts. Describe how staff at your facility will meet this objective.

C) ***Disposal:*** As a condition of the letter of agreement with NMFS, stranding network agencies have been required to assist local authorities in the disposal of carcasses. Describe what steps your agency has taken to address this issue.

D) ***Public outreach:*** Public perception can create problems for stranded animals. For example, members of the public have attempted to force sick or injured seals back into the water, thus putting themselves and the animals at risk. How will your agency promote awareness of the Stranding Network and guide the public in appropriate responses to strandings?

E) ***Volunteers:*** Describe how volunteers will be recruited trained, and maintained.

F) ***Cooperation with existing network agencies, state and local authorities:*** Report on contacts and agreements you have made or plan to make with existing network facilities. Name agencies you have targeted/will target to obtain community contacts and support,

G) ***Safety:*** Describe precautions you plan to take to protect staff/volunteers from risks of injury and disease transmission. Detail procedures you have prepared to reduce the risks of injury/disease transmission for animals in your care.

Taking of Marine Mammals Incidental to Commercial Fishing Operations

16 U.S.C. 1387

Sec. 118. (a) IN GENERAL. —

(1) Effective on the date of enactment of this section [April 30, 1994], and except as provided in section 114 and in paragraphs (2), (3), and (4) of this subsection, the provisions of this section shall govern the incidental taking of marine mammals in the course of commercial fishing operations by persons using vessels of the United States or vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)). In any event it shall be the immediate goal that the incidental mortality or serious injury of marine mammals occurring in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate within 7 years after the date of enactment of this section [April 30, 2001].

(2) In the case of the incidental taking of marine mammals from species or stocks designated under this Act as depleted on the basis of their listing as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), both this section and section 101(a)(5)(E) of this Act shall apply.

(3) Sections 104(h) and title III, and not this section, shall govern the taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

(4) This section shall not govern the incidental taking of California sea otters and shall not be deemed to amend or repeal the Act of November 7, 1986 (Public Law 99-625; 100 Stat. 3500).

(5) Except as provided in section 101(c), the intentional lethal take of any marine mammal in the course of commercial fishing operations is prohibited.

(6) Sections 103 and 104 shall not apply to the incidental taking of marine mammals under the authority of this section.

(b) ZERO MORTALITY RATE GOAL. —

(1) Commercial fisheries shall reduce incidental mortality and serious injury of marine mammals to insignificant levels approaching a zero mortality and serious injury rate within 7 years after the date of enactment of this section [April 30, 2001].

(2) Fisheries which maintain insignificant serious injury and mortality levels approaching a zero rate shall not be required to further reduce their mortality and serious injury rates.

(3) Three years after such date of enactment [April 30, 1997], the Secretary shall review the progress of all commercial fisheries, by fishery, toward reducing incidental mortality and serious injury to insignificant levels approaching a zero rate. The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report setting forth the results of such review within 1 year after commencement of the review. The Secretary shall note any commercial fishery for which additional information is required to accurately assess the level of incidental mortality and serious injury of marine mammals in the fishery.

(4) If the Secretary determines after review under paragraph (3) that the rate of incidental mortality and serious injury of marine mammals in a commercial fishery is not consistent with paragraph (1), then the Secretary shall take appropriate action under subsection (f).

(c) REGISTRATION AND AUTHORIZATION. —

(1) The Secretary shall, within 90 days after the date of enactment of this section [July 29, 1994]—

(A) publish in the Federal Register for public comment, for a period of not less than 90 days, any necessary changes to the Secretary's list of commercial fisheries published under section 114(b)(1) and which is in existence on March 31, 1994 (along with an explanation of such changes and a statement describing the marine mammal stocks interacting with, and the approximate number of vessels or persons actively involved in, each such fishery), with respect to commercial fisheries that have—

(i) frequent incidental mortality and serious injury of marine mammals;

(ii) occasional incidental mortality and serious injury of marine mammals; or

(iii) a remote likelihood of or no known incidental mortality or serious injury of marine mammals;

(B) after the close of the period for such public comment, publish in the Federal Register a revised list of commercial fisheries and an update of information required by subparagraph (A), together with a summary of the provisions of this section and information sufficient to advise vessel owners on how to obtain an authorization and otherwise comply with the requirements of this section; and

(C) at least once each year thereafter, and at such other times as the Secretary considers appropriate, reexamine, based on information gathered under this Act and other relevant sources and after notice and opportunity for public comment, the classification of commercial fisheries and other determinations required under subparagraph (A) and publish in the Federal Register any necessary changes.

(2)(A) An authorization shall be granted by the Secretary in accordance with this section for a vessel engaged in a commercial fishery listed under paragraph (1)(A) (i) or (ii), upon receipt by the Secretary of a completed registration form providing the name of the vessel owner and operator, the name and description of the vessel, the fisheries in which it will be engaged, the approximate time, duration, and location of such fishery operations, and the general type and nature of use of the fishing gear and techniques used. Such information shall be in a readily usable format that can be efficiently entered into and utilized by an automated or computerized data processing system. A decal or other physical evidence that the authorization is current and valid shall be issued by the Secretary at the time an authorization is granted, and so long as the authorization remains current and valid, shall be reissued annually thereafter.

(B) No authorization may be granted under this section to the owner of a vessel unless such vessel—

(i) is a vessel of the United States; or

(ii) has a valid fishing permit issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)).

(C) Except as provided in subsection (a), an authorization granted under this section shall allow the incidental taking of all species and stocks of marine mammals to which this Act applies.

(3)(A) An owner of a vessel engaged in any fishery listed under paragraph (1)(A) (i) or (ii) shall, in order to engage in the lawful incidental taking of marine mammals in a commercial fishery—

(i) have registered as required under paragraph (2) with the Secretary in order to obtain for each such vessel owned and used in the fishery an authorization for the purpose of incidentally taking marine mammals in accordance with this section, except that owners of vessels holding valid certificates of exemption under section 114 are deemed to have registered for purposes of this subsection for the period during which such exemption is valid;

(ii) ensure that a decal or such other physical evidence of a current and valid authorization as the Secretary may require is displayed on or is in the possession of the master of each such vessel;

(iii) report as required by subsection (e); and

(iv) comply with any applicable take reduction plan and emergency regulations issued under this section.

(B) Any owner of a vessel receiving an authorization under this section for any fishery listed under paragraph (1)(A) (i) or (ii) shall, as a condition of that authorization, take on board an observer if requested to do so by the Secretary.

(C) An owner of a vessel engaged in a fishery listed under paragraph (1)(A) (i) or (ii) who—

(i) fails to obtain from the Secretary an authorization for such vessel under this section;

(ii) fails to maintain a current and valid authorization for such vessel; or

(iii) fails to ensure that a decal or other physical evidence of such authorization issued by the

Secretary is displayed on or is in possession of the master of the vessel,

and the master of any such vessel engaged in such fishery, shall be deemed to have violated this title, and for violations of clauses (i) and (ii) shall be subject to the penalties of this title, and for violations of clause (iii) shall be subject to a fine of not more than \$100 for each offense.

(D) If the owner of a vessel has obtained and maintains a current and valid authorization from the Secretary under this section and meets the requirements set forth in this section, including compliance with any regulations to implement a take reduction plan under this section, the owner of such vessel, and the master and crew members of the vessel, shall not be subject to the penalties set forth in this title for the incidental taking of marine mammals while such vessel is engaged in a fishery to which the authorization applies.

(E) Each owner of a vessel engaged in any fishery not listed under paragraph (1)(A) (i) or (ii), and the master and crew members of such a vessel, shall not be subject to the penalties set forth in this title for the incidental taking of marine mammals if such owner reports to the Secretary, in the form and manner required under subsection (e), instances of incidental mortality or injury of marine mammals in the course of that fishery.

(4)(A) The Secretary shall suspend or revoke an authorization granted under this section and shall not issue a decal or other physical evidence of the authorization for any vessel until the owner of such vessel complies with the reporting requirements under subsection (e) and such requirements to take on board an observer under paragraph (3)(B) as are applicable to such vessel. Previous failure to comply with the requirements of section 114 shall not bar authorization under this section for an owner who complies with the requirements of this section.

(B) The Secretary may suspend or revoke an authorization granted under this subsection, and may not issue a decal or other physical evidence of the authorization for any vessel which fails to comply with a take reduction plan or emergency regulations issued under this section.

(C) The owner and master of a vessel which fails to comply with a take reduction plan shall be subject to the penalties of sections 105 and 107, and may be subject to section 106.

(5)(A) The Secretary shall develop, in consultation with the appropriate States, affected Regional Fishery Management Councils, and other interested persons, the means by which the granting and administration of authorizations under this section shall be integrated and coordinated, to the maximum extent practicable, with existing fishery licenses, registrations, and related programs.

(B) The Secretary shall utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the provisions of this section and the means by which they can comply with its requirements.

(C) The Secretary is authorized to charge a fee for the granting of an authorization under this section. The level of fees charged under this subparagraph shall not exceed the administrative costs incurred in granting an authorization. Fees collected under this subparagraph shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in the granting and administration of authorizations under this section.

(d) MONITORING OF INCIDENTAL TAKES. —

(1) The Secretary shall establish a program to monitor incidental mortality and serious injury of marine mammals during the course of commercial fishing operations. The purposes of the monitoring program shall be to—

(A) obtain statistically reliable estimates of incidental mortality and serious injury;

(B) determine the reliability of reports of incidental mortality and serious injury under subsection (e);
and

(C) identify changes in fishing methods or technology that may increase or decrease incidental mortality and serious injury.

(2) Pursuant to paragraph (1), the Secretary may place observers on board vessels as necessary, subject to the provisions of this section. Observers may, among other tasks—

(A) record incidental mortality and injury, or by catch of other nontarget species;

(B) record numbers of marine mammals sighted; and

(C) perform other scientific investigations.

(3) In determining the distribution of observers among commercial fisheries and vessels within a fishery, the Secretary shall be guided by the following standards:

(A) The requirement to obtain statistically reliable information.

(B) The requirement that assignment of observers is fair and equitable among fisheries and among vessels in a fishery.

(C) The requirement that no individual person or vessel, or group of persons or vessels, be subject to excessive or overly burdensome observer coverage.

(D) To the extent practicable, the need to minimize costs and avoid duplication.

(4) To the extent practicable, the Secretary shall allocate observers among commercial fisheries in accordance with the following priority:

(A) The highest priority for allocation shall be for commercial fisheries that have incidental mortality or serious injury of marine mammals from stocks listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(B) The second highest priority for allocation shall be for commercial fisheries that have incidental mortality and serious injury of marine mammals from strategic stocks.

(C) The third highest priority for allocation shall be for commercial fisheries that have incidental mortality or serious injury of marine mammals from stocks for which the level of incidental mortality and

serious injury is uncertain.

(5) The Secretary may establish an alternative observer program to provide statistically reliable information on the species and number of marine mammals incidentally taken in the course of commercial fishing operations. The alternative observer program may include direct observation of fishing activities from vessels, airplanes, or points on shore.

(6) The Secretary is not required to place an observer on a vessel in a fishery if the Secretary finds that—

(A) in a situation in which harvesting vessels are delivering fish to a processing vessel and the catch is not taken on board the harvesting vessel, statistically reliable information can be obtained from an observer on board the processing vessel to which the fish are delivered;

(B) the facilities on a vessel for quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; or

(C) for reasons beyond the control of the Secretary, an observer is not available.

(7) The Secretary may, with the consent of the vessel owner, station an observer on board a vessel engaged in a fishery not listed under subsection (c)(1)(A) (i) or (ii).

(8) Any proprietary information collected under this subsection shall be confidential and shall not be disclosed except—

(A) to Federal employees whose duties require access to such information;

(B) to State or tribal employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

(C) when required by court order; or

(D) in the case of scientific information involving fisheries, to employees of Regional Fishery Management Councils who are responsible for fishery management plan development and monitoring.

(9) The Secretary shall prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary shall release or make public upon request any such information in aggregate, summary, or other form which does not directly or indirectly disclose the identity or business of any person.

(e) **REPORTING REQUIREMENT.** — The owner or operator of a commercial fishing vessel subject to this Act shall report all incidental mortality and injury of marine mammals in the course of commercial fishing operations to the Secretary by mail or other means acceptable to the Secretary within 48 hours after the end of each fishing trip on a standard postage-paid form to be developed by the Secretary under this section. Such form shall be capable of being readily entered into and usable by an automated or computerized data processing system and shall require the vessel owner or operator to provide the following:

(1) The vessel name, and Federal, State, or tribal registration numbers of the registered vessel.

(2) The name and address of the vessel owner or operator.

(3) The name and description of the fishery.

(4) The species of each marine mammal incidentally killed or injured, and the date, time, and approximate geographic location of such occurrence.

(f) TAKE REDUCTION PLANS. —

(1) The Secretary shall develop and implement a take reduction plan designed to assist in the recovery or prevent the depletion of each strategic stock which interacts with a commercial fishery listed under subsection (c)(1)(A) (i) or (ii), and may develop and implement such a plan for any other marine mammal stocks which interact with a commercial fishery listed under subsection (c)(1)(A)(i) which the Secretary determines, after notice and opportunity for public comment, has a high level of mortality and serious injury across a number of such marine mammal stocks.

(2) The immediate goal of a take reduction plan for a strategic stock shall be to reduce, within 6 months of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to levels less than the potential biological removal level established for that stock under section 117. The long-term goal of the plan shall be to reduce, within 5 years of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate, taking into account the economics of the fishery, the availability of existing technology, and existing State or regional fishery management plans.

(3) If there is insufficient funding available to develop and implement a take reduction plan for all such stocks that interact with commercial fisheries listed under subsection (c)(1)(A) (i) or (ii), the Secretary shall give highest priority to the development and implementation of take reduction plans for species or stocks whose level of incidental mortality and serious injury exceeds the potential biological removal level, those that have a small population size, and those which are declining most rapidly.

(4) Each take reduction plan shall include—

(A) a review of the information in the final stock assessment published under section 117(b) and any substantial new information;

(B) an estimate of the total number and, if possible, age and gender, of animals from the stock that are being incidentally lethally taken or seriously injured each year during the course of commercial fishing operations, by fishery;

(C) recommended regulatory or voluntary measures for the reduction of incidental mortality and serious injury;

(D) recommended dates for achieving the specific objectives of the plan.

(5)(A) For any stock in which incidental mortality and serious injury from commercial fisheries exceeds the potential biological removal level established under section 117, the plan shall include measures the Secretary expects will reduce, within 6 months of the plan's implementation, such mortality and serious injury

to a level below the potential biological removal level.

(B) For any stock in which human-caused mortality and serious injury exceeds the potential biological removal level, other than a stock to which subparagraph (A) applies, the plan shall include measures the Secretary expects will reduce, to the maximum extent practicable within 6 months of the plan's implementation, the incidental mortality and serious injury by such commercial fisheries from that stock. For purposes of this subparagraph, the term "maximum extent practicable" means to the lowest level that is feasible for such fisheries within the 6-month period.

(6)(A) At the earliest possible time (not later than 30 days) after the Secretary issues a final stock assessment under section 117(b) for a strategic stock, the Secretary shall, and for stocks that interact with a fishery listed under subsection (c)(1)(A)(i) for which the Secretary has made a determination under paragraph (1), the Secretary may—

(i) establish a take reduction team for such stock and appoint the members of such team in accordance with subparagraph (C); and

(ii) publish in the Federal Register a notice of the team's establishment, the names of the team's appointed members, the full geographic range of such stock, and a list of all commercial fisheries that cause incidental mortality and serious injury of marine mammals from such stock.

(B) The Secretary may request a take reduction team to address a stock that extends over one or more regions or fisheries, or multiple stocks within a region or fishery, if the Secretary determines that doing so would facilitate the development and implementation of plans required under this subsection.

(C) Members of take reduction teams shall have expertise regarding the conservation or biology of the marine mammal species which the take reduction plan will address, or the fishing practices which result in the incidental mortality and serious injury of such species. Members shall include representatives of Federal agencies, each coastal State which has fisheries which interact with the species or stock, appropriate Regional Fishery Management Councils, interstate fisheries commissions, academic and scientific organizations, environmental groups, all commercial and recreational fisheries groups and gear types which incidentally take the species or stock, Alaska Native organizations or Indian tribal organizations, and others as the Secretary deems appropriate. Take reduction teams shall, to the maximum extent practicable, consist of an equitable balance among representatives of resource user interests and nonuser interests.

(D) Take reduction teams shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C.). Meetings of take reduction teams shall be open to the public, and prior notice of meetings shall be made public in a timely fashion.

(E) Members of take reduction teams shall serve without compensation, but may be reimbursed by the Secretary, upon request, for reasonable travel costs and expenses incurred in performing their duties as members of the team.

(7) Where the human-caused mortality and serious injury from a strategic stock is estimated to be equal to or greater than the potential biological removal level established under section 117 for such stock and such stock interacts with a fishery listed under subsection (c)(1)(A) (i) or (ii), the following procedures shall apply in the development of the take reduction plan for the stock:

(A)(i) Not later than 6 months after the date of establishment of a take reduction team for the stock, the team shall submit a draft take reduction plan for such stock to the Secretary, consistent with the other provisions of this section.

(ii) Such draft take reduction plan shall be developed by consensus. In the event consensus cannot be reached, the team shall advise the Secretary in writing on the range of possibilities considered by the team, and the views of both the majority and minority.

(B)(i) The Secretary shall take the draft take reduction plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the Federal Register the plan proposed by the team, any changes proposed by the Secretary with an explanation of the reasons therefor, and proposed regulations to implement such plan, for public review and comment during a period of not to exceed 90 days.

(ii) In the event that the take reduction team does not submit a draft plan to the Secretary within 6 months, the Secretary shall, not later than 8 months after the establishment of the team, publish in the Federal Register a proposed take reduction plan and implementing regulations, for public review and comment during a period of not to exceed 90 days.

(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final take reduction plan and implementing regulations, consistent with the other provisions of this section.

(D) The Secretary shall, during a period of 30 days after publication of a final take reduction plan, utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the requirements of the plan and how to comply with them.

(E) The Secretary and the take reduction team shall meet every 6 months, or at such other intervals as the Secretary determines are necessary, to monitor the implementation of the final take reduction plan until such time that the Secretary determines that the objectives of such plan have been met.

(F) The Secretary shall amend the take reduction plan and implementing regulations as necessary to meet the requirements of this section, in accordance with the procedures in this section for the issuance of such plans and regulations.

(8) Where the human-caused mortality and serious injury from a strategic stock is estimated to be less than the potential biological removal level established under section 117 for such stock and such stock interacts with a fishery listed under subsection (c)(1)(A) (i) or (ii), or for any marine mammal stocks which interact with a commercial fishery listed under subsection (c)(1)(A)(i) for which the Secretary has made a determination under paragraph (1), the following procedures shall apply in the development of the take reduction plan for such stock:

(A)(i) Not later than 11 months after the date of establishment of a take reduction team for the stock, the team shall submit a draft take reduction plan for the stock to the Secretary, consistent with the other provisions of this section.

(ii) Such draft take reduction plan shall be developed by consensus. In the event consensus cannot be reached, the team shall advise the Secretary in writing on the range of possibilities

considered by the team, and the views of both the majority and minority.

(B)(i) The Secretary shall take the draft take reduction plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the Federal Register the plan proposed by the team, any changes proposed by the Secretary with an explanation of the reasons therefor, and proposed regulations to implement such plan, for public review and comment during a period of not to exceed 90 days.

(ii) In the event that the take reduction team does not submit a draft plan to the Secretary within 11 months, the Secretary shall, not later than 13 months after the establishment of the team, publish in the Federal Register a proposed take reduction plan and implementing regulations, for public review and comment during a period of not to exceed 90 days.

(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final take reduction plan and implementing regulations, consistent with the other provisions of this section.

(D) The Secretary shall, during a period of 30 days after publication of a final take reduction plan, utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the requirements of the plan and how to comply with them.

(E) The Secretary and the take reduction team shall meet on an annual basis, or at such other intervals as the Secretary determines are necessary, to monitor the implementation of the final take reduction plan until such time that the Secretary determines that the objectives of such plan have been met.

(F) The Secretary shall amend the take reduction plan and implementing regulations as necessary to meet the requirements of this section, in accordance with the procedures in this section for the issuance of such plans and regulations.

(9) In implementing a take reduction plan developed pursuant to this subsection, the Secretary may, where necessary to implement a take reduction plan to protect or restore a marine mammal stock or species covered by such plan, promulgate regulations which include, but are not limited to, measures to—

(A) establish fishery-specific limits on incidental mortality and serious injury of marine mammals in commercial fisheries or restrict commercial fisheries by time or area;

(B) require the use of alternative commercial fishing gear or techniques and new technologies, encourage the development of such gear or technology, or convene expert skippers' panels;

(C) educate commercial fishermen, through workshops and other means, on the importance of reducing the incidental mortality and serious injury of marine mammals in affected commercial fisheries; and

(D) monitor, in accordance with subsection (d), the effectiveness of measures taken to reduce the level of incidental mortality and serious injury of marine mammals in the course of commercial fishing operations.

(10)(A) Notwithstanding paragraph (6), in the case of any stock to which paragraph (1) applies for which a final stock assessment has not been published under section 117(b)(3) by April 1, 1995, due to a proceeding under section 117(b)(2), or any Federal court review of such proceeding, the Secretary shall establish a take reduction team under paragraph (6) for such stock as if a final stock assessment had been published.

(B) The draft stock assessment published for such stock under section 117(b)(1) shall be deemed the final stock assessment for purposes of preparing and implementing a take reduction plan for such stock under this section.

(C) Upon publication of a final stock assessment for such stock under section 117(b)(3) the Secretary shall immediately reconvene the take reduction team for such stock for the purpose of amending the take reduction plan, and any regulations issued to implement such plan, if necessary, to reflect the final stock assessment or court action. Such amendments shall be made in accordance with paragraph (7)(F) or (8)(F), as appropriate.

(D) A draft stock assessment may only be used as the basis for a take reduction plan under this paragraph for a period of not to exceed two years, or until a final stock assessment is published, whichever is earlier. If, at the end of the two-year period, a final stock assessment has not been published, the Secretary shall categorize such stock under section 117(a)(5)(A) and shall revoke any regulations to implement a take reduction plan for such stock.

(E) Subparagraph (D) shall not apply for any period beyond two years during which a final stock assessment for such stock has not been published due to review of a proceeding on such stock assessment by a Federal court. Immediately upon final action by such court, the Secretary shall proceed under subparagraph (C).

(11) Take reduction plans developed under this section for a species or stock listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be consistent with any recovery plan developed for such species or stock under section 4 of such Act.

(g) EMERGENCY REGULATIONS. —

(1) If the Secretary finds that the incidental mortality and serious injury of marine mammals from commercial fisheries is having, or is likely to have, an immediate and significant adverse impact on a stock or species, the Secretary shall take actions as follows:

(A) In the case of a stock or species for which a take reduction plan is in effect, the Secretary shall—

(i) prescribe emergency regulations that, consistent with such plan to the maximum extent practicable, reduce incidental mortality and serious injury in that fishery; and

(ii) approve and implement, on an expedited basis, any amendments to such plan that are recommended by the take reduction team to address such adverse impact.

(B) In the case of a stock or species for which a take reduction plan is being developed, the Secretary shall—

(i) prescribe emergency regulations to reduce such incidental mortality and serious injury in that fishery; and

(ii) approve and implement, on an expedited basis, such plan, which shall provide methods to address such adverse impact if still necessary.

(C) In the case of a stock or species for which a take reduction plan does not exist and is not being developed, or in the case of a commercial fishery listed under subsection (c)(1)(A)(iii) which the Secretary believes may be contributing to such adverse impact, the Secretary shall—

(i) prescribe emergency regulations to reduce such incidental mortality and serious injury in that fishery, to the extent necessary to mitigate such adverse impact;

(ii) immediately review the stock assessment for such stock or species and the classification of such commercial fishery under this section to determine if a take reduction team should be established; and

(iii) may, where necessary to address such adverse impact on a species or stock listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), place observers on vessels in a commercial fishery listed under subsection (c)(1)(A)(iii), if the Secretary has reason to believe such vessels may be causing the incidental mortality and serious injury to marine mammals from such stock.

(2) Prior to taking action under paragraph (1) (A), (B), or (C), the Secretary shall consult with the Marine Mammal Commission, all appropriate Regional Fishery Management Councils, State fishery managers, and the appropriate take reduction team (if established).

(3) Emergency regulations prescribed under this subsection—

(A) shall be published in the Federal Register, together with an explanation thereof;

(B) shall remain in effect for not more than 180 days or until the end of the applicable commercial fishing season, whichever is earlier; and

(C) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for emergency regulations no longer exist.

(4) If the Secretary finds that incidental mortality and serious injury of marine mammals in a commercial fishery is continuing to have an immediate and significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for an additional period of not more than 90 days or until reasons for the emergency no longer exist, whichever is earlier.

(h) PENALTIES. — Except as provided in subsection (c), any person who violates this section shall be subject to the provisions of sections 105 and 107, and may be subject to section 106 as the Secretary shall establish by regulations.

(i) ASSISTANCE. — The Secretary shall provide assistance to Regional Fishery Management Councils, States,

interstate fishery commissions, and Indian tribal organizations in meeting the goal of reducing incidental mortality and serious injury to insignificant levels approaching a zero mortality and serious injury rate.

(j) CONTRIBUTIONS. — For purposes of carrying out this section, the Secretary may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests.

(k) CONSULTATION WITH SECRETARY OF THE INTERIOR. — The Secretary shall consult with the Secretary of the Interior prior to taking actions or making determinations under this section that affect or relate to species or population stocks of marine mammals for which the Secretary of the Interior is responsible under this title.

(l) DEFINITIONS. — As used in this section and section 101(a)(5)(E), each of the terms "fishery" and "vessel of the United States" has the same meaning it does in section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802).

DATES: Written comments must be submitted on or before April 4, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5027, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at LEngelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Richard A. Pearson, One Blackburn Drive, Gloucester, MA 01930, 978-281-9279.

SUPPLEMENTARY INFORMATION:

I. Abstract

The New England Fishery Management Council (NEFMC) is currently considering management alternatives for the Gulf of Maine (GOM) multispecies fishery for inclusion in Framework Adjustment 33 to the Northeast Multispecies Fishery Management Plan (FMP). Two of the potential management measures have collection-of-information requirements associated with them.

These are the Western Gulf of Maine (WGOM) Restricted Fishery Program and the Multispecies Party/Charter Closed Area Exemption Certificate. These are described here.

Western GOM Restricted Fishery Program.

One of the management measures proposes to establish a new declaration that would allow vessel owners to annually enroll into a program entitled the Western Gulf of Maine (WGOM) Restricted Fishery Program. Vessels enrolled in this program would be allowed access to the area referred to as the WGOM Restricted Fishery Area, but would be limited to 25 Days-At-Sea or 25 trips, whichever is less, during the months of February, March, April and May in any fishing year. Vessels not enrolled in the WGOM Restricted Fishery Program category would be prohibited from fishing in the WGOM restricted fishery area during these months.

The WGOM restricted fishery area has preliminarily been described as an area extending from 43°50' N. Lat. and the Maine coast to 43°50' N. Lat., 70°00' W. Long. to 43°00' N. Lat., 70°15' W. Long. to 42°00' N. Lat., 70°15' W. Long. to 42°00' and the Massachusetts coast.

Multispecies Party/Charter GOM Closed Area Exemption Certificate

This proposed management measure would require vessel owners possessing

a multispecies party/charter Federal permit, or operating a vessel as a party/charter vessel and fishing for multispecies, to obtain an exemption certificate to be allowed access to fish in GOM closed areas. This exemption certificate would allow access to GOM closed areas but would prohibit the vessel owner from utilizing multispecies days-at-sea while carrying passengers for hire on-board the vessel for the duration of the exemption certificate. Three potential duration periods have been proposed for the certificate, three months, six months and 12 months.

II. Method of Collection

Vessel owners electing to enroll into the WGOM Restricted Fishery Program would be required to complete an application form. Vessel owners would apply for the Multispecies Party/Charter GOM Closed Area Exemption Certificate by making a phone call.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 1,003.

Estimated Time Per Response: 5 minutes for the Western GOM Restricted Fishery Program and 2 minutes for the Multispecies Party/Charter GOM Closed Area Exemption Certificate.

Estimated Total Annual Burden Hours: 57.

Estimated Total Annual Cost to Public: \$438.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 28, 2000.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Chief Information Officer.

[FR Doc. 00-2575 Filed 2-3-00; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020100A]

Marine Mammal Stranding Report; Proposed Information Collection; Comment Request

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 4, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5027, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at LEngelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Nicole R. Le Boeuf, Office of Protected Resources, F/PR2, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

SUPPLEMENTARY INFORMATION:

I. Abstract

Section 402(b) of the Marine Mammal Protection Act (MMPA) requires that information on marine mammal strandings be collected. The Marine Mammal Stranding Reports provide baseline information on marine mammal mortalities, human interactions with marine mammals, and marine mammal population dynamics. NMFS uses the information to fulfill management responsibilities under the

MMPA. The Marine Mammal Stranding Reports are submitted by members of the marine mammal stranding network—the vast majority of whom are volunteers who have been authorized by NMFS to respond to strandings.

There are three marine mammal stranding data forms proposed for use. All the forms are intended to accurately characterize marine mammal strandings data. The new Marine Mammal Human Interaction and Marine Mammal Disposition Reports are designed to supplement the existing main form, the Marine Mammal Stranding Report.

The Marine Mammal Stranding Report was designed to provide a basic record of a marine mammal stranding event. The proposed Marine Mammal Stranding Report contains minor modifications of the form currently in use by the stranding networks. The modifications were made to increase consistency with data collected and currently used databases, to clarify meanings of data fields, and to improve the overall readability and appearance of the form.

The Marine Mammal Human Interaction Report is designed to provide stranding responders with a tool to objectively examine and collect data on marine mammal strandings specific to signs of human interaction. The Report is intended to prompt the examiner to collect data that will lead to a human interaction determination of “yes”, “no”, or “could not be determined”. The determination is recorded on the Marine Mammal Stranding Report, but the detailed information supporting this determination is provided on the Marine Mammal Human Interaction Report. The data collected on this form will help managers determine the frequency and type of human interactions that occur with marine mammals.

The Marine Mammal Disposition Report is designed to provide information regarding the treatment and disposition of a live marine mammal after initial examination and/or rehabilitation. Stranding network participants submit the Marine Mammal Stranding Report on a timely basis, but a live stranded animal may require longer care and/or may be deemed non-releasable and may be permanently retained in a captive display facility. The Marine Mammal Disposition Report allows the stranding network to provide follow-up information on the care, release, tagging, and specimen collection of live stranded marine mammals. This information will help managers track the final disposition of marine mammals that strand alive.

II. Method of Collection

Stranding Network members submit basic biological data contained on the reporting forms to NMFS Regional Offices for compilation and analysis.

III. Data

OMB Number: 0648–0178.

Form Number: NOAA Forms 89–864, 89–870, and 89–869.

Type of Review: Regular submission.

Affected Public: Individuals, not-for-profit institutions, business or other for-profit, Federal government, and state and local government

Estimated Number of Respondents: 400

Estimated Time Per Response: 20 minutes

Estimated Total Annual Burden Hours: 2,240

Estimated Total Annual Cost to Public: \$2,200

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 28, 2000.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Chief Information Officer.

[FR Doc. 00–2576 Filed 2–3–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 012800]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Council) will hold a meeting to discuss stock assessment plans for 2000. The meeting will be open to the public.

DATES: The meeting will be held February 28–February 29, 2000. The meeting will begin on Monday, February 28, 2000 at 10:00 a.m., and reconvene February 29, 2000 at 8:00 a.m.; the meeting will run as late as necessary each day to complete scheduled business.

ADDRESSES: The meeting will be held at the Pacific States Marine Fisheries Commission, 45 SE 82nd Drive, Suite 100, Gladstone, OR 97027–2522.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Dan Waldeck, Fishery Management Analyst; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to plan the stock assessment process for groundfish species in 2000. The meeting will consider revisions to the terms of reference used for 1999 stock assessments, revise the goals and objectives for the annual stock assessment cycle, develop a calendar for 2000 stock assessment activities, confirm the list of species to be assessed in 2000, designate the resources and personnel for the assessments and the reviews, and discuss ways of improving coordination of the process. The meeting will also consider developing draft terms of reference for the process to rebuild overfished stocks.

Although non-emergency issues not contained in this notice may be discussed at the meeting, those issues will not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. John Rhoton at (503) 326–6352 at least 5 days prior to the meeting date.

Comments to the Federal Register Notice I.D. 020100A, Marine Mammal Stranding Report; Proposed Information Collection.

1. Comments were received from the FR Notice I.D. 0200100A published in Vol 65, No. 24, on February 4, 2000. Officially, comments were received from 14 individuals and unofficially from seven individuals during the comment period.

2. Contributors

(Official FR Response):

Tim Cole - NMFS NEFSC

Fred Wenzle - NMFS NEFSC

Kathy Zagzebski - The Marine Mammal Center, Sausalito, CA

Terry Darcey - Moss Landing Marine Lab

Diane Borggaard - NMFS - SER

Jim Meade, Dee Allen, Charley Potter - Smithsonian

Belinda Rubinstein - New England Aquarium

Katie Touhey - Cape Code Stranding Network

Robert Nawojchik - Mystic Aquarium

Jackie Ott - Marine Mammal Care Center, Ft McAuthur, CA

Dan Odell - Sea World

James Gesualdi - Attorney for Alliance of Marine Mammal Parks and Aquariums

(Others):

Joe Cordaro - NMFS SWR

Dana Hartley - NMFS NEFSC

Brent Norberg- NMFS NWR

Kaja Brix - NMFS Alaska

Blair Mase - NMFS SEFSC

Ann Pabst - University of North Carolina at Wilmington

Bill McLellan - University of North Carolina at Wilmington

3. Stranding Report Comments:

General

1. Need instructions for filling out ALL of the forms including definitions of questions and examples of answers. For example, specify the different condition codes and define straight length- preferred measurements, etc. (Tim Cole, Kathy Zagzebski, Terry Darcey, Dana Hartley). *Instruction manual provided.*

2. Define what Level A data is. (Kathy Zagzebski). *Defined in instruction manual.*

3. There is some redundancy b/w the Stranding Report and the Disposition Report. Try to eliminate this overlap as much as possible. For example, only the pertinent information about the stranding upon initial presentation should be included in the Stranding Report. Information about the release, death,

and transfer should be covered in the Disposition Report. (Jackie Ott, Joe Cordaro). *Some information about the stranding should be carried over to the marine mammal disposition report because the rehabilitation facility may not always have the original level-A stranding report especially if the animal has been transferred more than once.*

4. Add a field for “samples collected” 1. Yes, 2. No; type of samples: (Susan Chivers). *This is covered under specimen disposition.*

5. Can this form be adopted for sea turtle strandings? (Susan Chivers, Kathy Zagzebski). *Not at this time but we will look into such a possibility.*

6. Provide more space for examiner’s affiliation and less for phone number. (Kathy Zagzebski, Terry Darcey). *Done.*

7. Why list the affiliation and the name of the letterholder? In the SE, no one can handle a stranding unless officially affiliated with the letterholder; this seems redundant. (Dan Odell) *Just the name of the letterholder is queried not the specific contact information. This will be required for the national database for tracking purposes.*

8. Recommend that reports be submitted without signature; include a signed letter from the organization when send package to stranding coordinator. The reporter may be different than the LOA holder. (Kathy Zagzebski) *No signature will be required.*

9. Give a list of acronyms or spell out. (Terry Darcey, Fred Wenzel) *The acronyms are initially spelled out.*

10. Capitalize ONE in the “check one” choices. (Terry Darcey) *Done.*

11. Often time, carcasses are collected but examined at a later date. The stranding form is submitted at the time of initial collection but a revised stranding form will be completed and submitted to the stranding coordinator. More accurate information is completed in the revised form. Include a box of “Revised Report” or “Post necropsy report” at the top of the stranding form. (Terry Darcey) *Spaces are provided for dates of addition data (e.g., necropsy). Additional data should be added to the original document to reduce the paper flow.*

12. Consider requesting if samples for DNA analysis were taken including type of tissue, anatomical location, type of analysis, and disposition. A simple “yes” or “no” box may be all that is necessary for the Stranding Report but the details can be captured in another report. (Smithsonian) *DNA analysis is beyond Level-A data and should be included as Level-C. There is a space available for other specimens collected and this can be added there.*

13. Include a choice whether the report is for a actual stranded animal or just a sighting. (Belinda Rubinstein, Dana Hartley) *A box for sighting only was added to the Location field.*

Field Number

1. It is ultimately the LOA Holder’s responsibility for the responses of their designees and therefore would make sense if the “field number” represent the “LOA field number.” There should be a section of the report for any additional reporting numbers as well. (Belinda Rubinstein) *A section for other identification information was added to the bottom of this form.*

2. Does the “Letterholder” line replace the need for an accession number notation? In the NE, the field number is usually given by a non-letterholder, so an accession number is referenced to the

Letterholder. (Katie Touhey) *Continue this practice - regionally directed.*

3. Is the SID# still required? (Joe Cordaro) *No, this has been eliminated.*

4. LOTSoF DISCUSSION b/w STRANDING COORDINATORS regarding field #, SID#, and NMFS#. (Dana Harley, Joe Cordaro, and Brent Norberg) *Has been resolved. The SID# has been replaced by the National database # which will be assigned once the database is online.*

Location

1. Make appropriate form edits - fix spacing. (Kathy Zagzebski) *Done.*

2. Expand this field for more description. Also, edit format and spacing. (Terry Darcey) *Done.*

3. Revise the “Latitude and Longitude” section to incorporate several reporting formats and use abbreviations. This can be done as follows: deg/min/sec; deg/min/decmin/ deg/decdeg. Deg = degree; min = minutes; sec = seconds; decmin = decimal minutes; decdeg = decimal degrees.

Latitude_____N; Longitude_____W. (Smithsonian) *These comments were incorporated on the form and in the instructions.*

4. Specify what “Lat/Long” format is desired and include significant digits. (Robert Nawojchik) *See instructions.*

Occurrence Details

1. Human Interaction check box - should be changed to “signs of human interaction.” Some responders may not feel comfortable making the final diagnosis so don’t indicate so. This should just be used as a flag for further consideration (Tim Cole) *Done.*

2. Define “mass stranding” (Tim Cole) *See instructions.*

3. Spell out CBD (Tim Cole, Robert Nawojchik) *Done.*

4. Include a “not examined” check box (Tim Cole) *Done.*

5. Should be able to check off more than one possible causal agent (e.g., boat collision and fishery interaction). (Tim Cole) *Done.*

6. “How determined” should be replaced with “Examinations” and exam should be deleted after external and internal. (Tim Cole) *Satisfied with previous version.*

7. “Other causes” should be replaced with “Other indications.” (Tim Cole) *Done.*

8. Just below the “other indications” line, add “please complete the external and internal examination report” (i.e., referring to the HI report). (Tim Cole) *Tabled until the HI form is completed and approved.*

9. Include a box for “Mutilation.” (Fred Wenzel) *Will consider after the HI form is completed and approved.*

10. Provide definitions for Human Interactions. Does this include signs of human interaction that may or may not have caused the animal to strand. For example, there may be evidence of old healed prop wounds but the animal may have presented for another unrelated problem. What if plastic found in the stomach upon necropsy of a dead animal but was not the cause of death. And, most code 3/4/5 animals will fall under CBD for Human Interaction. (Kathy Zagzebski, Belinda Rubinstein) *This level of detail will be addressed with the completion and approval of the HI form.*

11. Compress this field to provide more room for description of location. (Terry Darcey) *Done.*

12. Replace the “check one” with “If human interaction, check ONE.” (Terry Darcey) *Done.*
13. Replace the “how determined” with “how human interaction was determined.” (Terry Darcey) *Satisfied with previous version because of space constraints. This is clarified in the instructions.*

Date of Initial Observation

1. Provide definitions for conditions. (Kathy Zagzebski) *See instructions.*
2. To reflect when the animal was first seen and not when it was brought to a facility, clarify this field by including “Date of Initial Observation (in the field).” (Belinda Rubinstein) *Done.*

Date of Examination (Level A)

1. Provide definitions for conditions. (Kathy Zagzebski) *See instructions.*
2. This field does not reflect if the animal was examined alive, housed in rehabilitation, and subsequently died and necropsied. Clarify this field by including “Date of Examination (by Facility/Volunteer).” (Belinda Rubinstein) *Level-A was added to indicate that this refers to date of actual Level A examination. See instructions.*

Morphological Data

1. Under straight length and weight, set up four boxes for both metric and English units and actual and estimate values. (Fred Wenzel) *Done and it is stated that reporting in metrics is preferred.*
2. Add “Age Class” to this field to include: “adult/subadult/yearling/pup or calf.” (Kathy Zagzebski, Joe Cordaro) *This was added to the form but is optional.*
3. Clarify this field by including “Morphological Data (When First Examined).” (Belinda Rubinstein) *See instructions.*
4. Use estimate or approximate for measurements, not both. (Robert Nawojchik, Dan Odell) *Done.*
5. Requesting disposition of photos and videos is beyond Level A requirements. Photographs like all data are part of the animal’s file as a matter of course. It’s not necessary to spell out. (Robert Nawojchik) *This information is optional, see instructions.*

Live Animal Disposition

1. Modify section heading to “Initial Live Animal Disposition.” The instructions should define this section as describing what actions were taken to resolve the stranding “on the beach”, not subsequent actions. Subsequent actions will be addressed in the Disposition report. (Tim Cole) *Done and see instructions.*
2. Remove the following choices: “relocated,” “released,” “retained” and “unknown.” (Tim Cole) 3. Add “relocated and released” at the bottom of the list. (Tim Cole) *Other changes were added based on discussions with the regional stranding coordinators.*
4. What does “Date” refer to? Previously it referred to when the animal died or was released. Remove “Date:_____” (Tim Cole, Robert Nawojchik) *Date refers to when the animal was transferred to rehabilitation facility.*
5. Modify “Treatment Facility” to “Treatment Facility/Release Site.” (Tim Cole) *Other changes were made for clarification.*

6. Add “Immediate Release” to #1 so it reads “Left/Released Immediately at site.” (Kathy Zagzebski)
Left at site refers to no action was taken - could be sighting only. Immediate release refers to the animal was evaluated and/or treated and immediately released at the site of stranding.

7. Consider changing this field to the following: (Belinda Rubinstein) *Other changes were made for clarification.*

1. Released/Left @ site (sighting)
2. Relocated (sighting)
3. Died on beach
4. Transferred to Treatment Facility

Condition: sick injured

Treatment Facility: _____

Died Euthanized Released Date: _____

Release Location: _____ Date: _____

8. Eliminate the following choices: “rehabilitated, died, euthanized, released, and retained.” These choices should be covered in the Disposition Report. Separate “left at site” and released at site.” (Joe Cordaro) *Because the animal may have more than one disposition report (transferred to more than one rehabilitation facility), this initial information is necessary to have on the stranding form.*

Carcass Disposition

1. Modify section heading to “Initial Carcass Disposition” and define this section in the instructions as what actions were taken to resolve the stranding “on the beach”. Subsequent actions should be recorded in the Marine Mammal Disposition Report. (Tim Cole) *See instructions.*

2. Change title to “Carcass/Sample Disposition and require disposition of samples here. (Belinda Rubinstein) *Done.*

3. Allow more than one check box because there may be more than one disposition of samples. Also, this information may be beyond Level A requirements. (Tim Cole, Daine Borggard, Robert Nawojchik) *Done.*

4. Modify choice 3 to “Towed out to sea.” or “Towed to _____.” (Tim Cole, Terry Darcey) *The actual location of carcass disposal is beyond Level A data.*

5. On the instructions page, request that the responders check off the “Scientific collection” and/or “Educational collection” if any part of the carcass is used for one or both of these purposes. (Tim Cole) *See instructions.*

6. Consider the following choices: 1-3 same; 4 freezer; 5-7 same *For live animals that go to rehabilitation, this information is queried in the marine mammal disposition form. For dead animals, tissues must be registered through the regional stranding coordinator and this level of detail will be captured there. This level of detail for dead animal specimen location/disposition is beyond level-A data.*

NECROPSIED: Yes No Pending Date: _____

Necropsied by: _____

Samples Collected: Yes No Unknown
Specimen Collection Type:_____ Location:_____
Type:_____ Location:_____ Type:_____ Location:_____

Tag Data

1. Provide more room for “Tag#,” “Color” and “Type” by compressing the “Applied” and “Present” columns to the left. (Tim Cole, Kathy Zagzebski, Terry Darcey) *Done.*
2. Provide “other choices” to represent brands, spray paint, satellite or other applied identification marks. (Kathy Zagzebski, Tracy Darcey, Belinda Rubinstein) *See instructions.*
3. Move the “Applied and Present” columns to the right. (Terry Darcey) *Done.*
4. Consider moving this section to the right of the “Live Animal Disposition.” (Belinda Rubinstein) *The entire format of this form was changed so this could not be done.*
5. It is unusual to see more than two tags or identification marks on an animal. Consider shortening this field. (Belinda Rubinstein) *Brands and other identification markings are considered tags and could be more than two on one animal. Extra space is provided.*

Remarks

1. Remove the “Disposition of Tissue/Skeletal Materials” from the bottom of the form. This information will be completed in the Disposition Report. Expand the “Remarks” section. (Tim Cole, Kathy Zagzebski) *This section was removed and more space is provided on the back of this form for additional remarks.*
2. Include a section to add additional field or sample identification numbers (Belinda Rubinstein) *Done.*
3. Include a section for “Diagnosis.” (Belinda Rubinstein) *Actual diagnosis for stranding or illness should only be made by an experienced veterinarian or marine mammal health care specialist and is beyond the scope of Level-A data.*

4. Marine Mammal Disposition Report

General

1. Only include live animals in this report. Dead animal samples should be included in the Stranding Report. (Susan Chivers) *Done.*
2. Provide more space for examiner’s affiliation and less for phone number. (Kathy Zagzebski) *Done.*
3. Who is to sign the disposition report; the examiner, the stranding coordinator, or the LOA holder? Why sign the disposition report and not the stranding report? (Kathy Zagzebski) *No signature is required.*
4. Include a morphological section on the this form as well to include “Age, weight, and length.” (Kathy Zagzebski) *Done.*
5. This report should not be completed on all animals taken into rehabilitation because too time intensive. It should only be required for animals remain in rehab for an extended period of time and then is released/dies/euthanized. (Belinda Rubinstein) *This form will be required for all animals that are admitted into rehabilitation. It is the Agency’s responsibility to track and assure the welfare*

of the animals.

Field Number

1. It is ultimately the LOA Holder's responsibility for the responses of their designees and therefore would make sense if the "field number" represent the "LOA field number." There should be a section of the report for any additional reporting numbers as well. (Belinda Rubinstein) *Done and see instructions.*

Instructions

1. Clarify that the Disposition report is to be used for actions taken after the initial "on the beach" actions. (Tim Cole) *See instructions.*
2. Specify what should be written for all sections. (Tim Cole) *See instructions.*

Stranding

1. Under straight length and weight, set up four boxes for both metric and English units and actual and estimate values. (Fred Wenzel) *Done.*
2. The morphological data should only reflect "Release/Death Information." (Belinda Rubinstein) *See instructions.*
3. The "stranding" field is redundant if the facility has already filed a Stranding Report. Consider revising this field to include time of disposition: release and/or death weight, release and/or death length. (Jackie Ott) *Stranding history information is important to carry over to this form because the animal may be transferred to more than one rehabilitation facility.*
4. Use either "approximate" or "estimate." (Dan Odell) *Estimate will be used.*

Tag Data

1. Provide more room for "Tag#," "Color" and "Type" by compressing the "Applied" and "Present" columns to the left. (Tim Cole, Kathy Zagzebski) *Done.*
2. Provide "other choices" to represent brands, spray paint, satellite or other applied identification marks. (Kathy Zagzebski, Belinda Rubinstein) *See instructions.*
3. It is unusual to see more than two tags or identification marks on an animal. Consider shortening this field. (Belinda Rubinstein) *Brands and other identification markings are considered tags and could be more than two on one animal. Extra space is provided.*

Specimen Collection

1. Spell out "Unknown." (Tim Cole) *Done.*
2. Add more space for disposition of tissue and skeletal specimens collected. (Kathy Zagzebski) *Done.*
3. Change title to "Carcass/Sample Disposition and require disposition of samples here. (Belinda Rubinstein) *A section was added to track type of sample taken, diagnostic test completed, and disposition of sample. However, this section will be optional. See instructions.*

4. Include NECROPSIED: Yes No Pending Date:_____ (Belinda Rubinstein) *See instructions.*
5. Isn't this information covered in the Stranding Report? (Robert Nawojchik) *This refers to samples taken while in rehabilitation.*
6. How can the disposition of samples be unknown? (Jackie Ott)
7. Expand the lines in this field for more writing space. (Jackie Ott) *Done.*

Disposition

1. What does transported mean? Is it the choice for transfer to another facility? Change the wording to "Transferred." (Kathy Zagzebski, Jackie Ott) *Done.*
2. Add option for "Immediately released." (Kathy Zagzebski) *Applicable to stranding report.*
3. Why include "Location" under "Died" and "Euthanized?" (Kathy Zagzebski) *Death may have occurred during transport to another facility or to release site.*
4. Under #5 - "Retained", many facilities are not permitted to retain marine mammals. This may be confusing. (Jackie Ott) *See instructions.*
5. Under #2- Died, the cause of death should be listed. (Jackie Ott) *Done.*

5. Human Interaction Report

General

1. This report call for intense detail. The actual entangled gear should be retained in all cases when possible to discriminate b/w commercial and recreational fisheries. (Dan Odell)
2. Consider adding a box to this form indicating if revision since more data may be collected at a different point in time. (Terry Darcey)
3. Expand the "affiliation" section and compress the "phone" section. (Terry Darcey)
4. Capitalize "ONE" for the check one choices. (Terry Darcey)
5. Delete the statement referring to examinations conducted - internal "* if answered 2, fill out back of form. A gross description should be done on all regardless if an internal exam was conducted or not. (Diane Borgard)
6. This form should not be required for all stranded animals only those that human interaction ins suspected. Making this determination on Code 3/4/5 animals may be difficult and produce inaccurate data. (Belinda Rubinstein)
7. Include a section for a "diagnosis" or "conclusion." The reader should not infer a conclusion from the data. (Katie Touhey)
8. Spell out acronyms "CBD or NE" or provide list. (Robert Nawojchik)

Title

1. Change title to "Marine Mammal External/Internal Examination Report." (Tim Cole)

Instructions

1. State that it is vital that everyone fill out the examination report to the extent possible regardless of whether or not they feel that the stranding was human-caused. All live animals should undergo an

external examination to the extent possible. (Tim Cole)

2. Provide of key to acronyms or spell out. (Fred Wenzel, Tim Cole, Terry Darcey)

3. Define conditions under which this form will be completed. (Kathy Zagzebski)

Examination(s) Conducted

1. Add another line with parts examined: 1. Whole animal, 2. Right side, 3. Left side, 4. Dorsal half, 5. Ventral half, 6. Other:_____; allow for multiple selections. (Tim Cole)

2. Add another line “Blood Sample Taken” 1. Yes, 2. No; Disposition:_____. (Tim Cole)

External Examination

1. Instructions on how to determine body condition; this is different from decomposition level. (Tim Cole, Terry Darcey, Diane Borggard)

2. Provide extra lines for the responder to describe the observation to support their interpretation. Consider the following reformat: 1. Robust, 2. Emaciated, 3. CBD, and 4. NE. (Fred Wenzel)

3. Location of Marks - list in order consistent with rest of form. Include check boxes for 1. Yes, 2. No, 3. CBD, 4. NE. 5. Flukes, etc. (Fred Wenzel).

4. Include section for photo and video and disposition. (Fred Wenzel)

5. Under “Scavenger Damage,” align #4 with #s 1-3. (Kathy Zagzebski)

6. Under “Mutilation,” option #1c, add “skin” so 1c “pelt/skin removed.” (Kathy Zagzebski)

7. It is sometime difficult to determine if a penetrating wound was inflicted by humans before or after death or by scavengers. It would be helpful to provide a way to indicate uncertainty as to causes of holes/damage to carcasses. Perhaps include a choice as “Possibly” under the “Penetrating Wound, Scavenger Damage, and Mutilation” sections. (Terry Darcey)

8. Under the “Mutilation” section, consider replacing a. body slashed with body slashed or punctured.” (Terry Darcey)

9. Move the “Silhouettes” area to this field near the “Marks” section. (Diane Borggard)

10. Under the “Marks” section, include bar mesh. (Diane Borggard)

11. What is the distinction b/w “Rope and Line?” (Robert Nawojchik)

12. Making a distinction b/w monofilament, multifilament and braided line marks on an animal requires experience. Description of the gear in hand seems more appropriate. (Robert Nawojchik)

13. Why is “scavenger damage” on this report? Does it refer to non-human scavengers (in which case it should be on the Stranding Report) or to human scavengers (e.g., souvenir collectors, etc.?)

Internal Examination

1. Allow for multiple selections in the “Stomach Contents” field. (Tim Cole)

2. Replace “Samples Collected” with “Sample type/disposition.” Replace letters with numbers for each sample and remove “type/disposition” to the left of the blanks. Extend the blanks to provide more writing space. (Tim Cole)

3. Include section for photo and video and disposition. (Fred Wenzel)

4. How can internal examination information be captured if the case was not considered a Human Interaction? (Diane Borggard)

Fishery Interaction Data

1. Add “estimated” and “actual” to the check boxes following the “Mesh size.” (Tim Cole)
2. Add box for “fishing hooks/lures.” (Kathy Zagzebski)
3. Add “stretch mesh (if applicable)” to the choices. (Diane Borggard)
4. Include in the instructions that a description of location if the gear where the animal was entangled. (Diane Borggard)

Samples Collected

1. Tissues collected are redundant data. This is required in the Stranding Report. (Diane Borggard)
2. Isn't this information covered in the Stranding Report? (Robert Nawojchik)

Gross Description and Comments

1. This should only be reserved for additional comments related to Human Interaction and not redundant information requested in the Stranding Report. (Robert Nawojchik)

Response to Comments to the Federal Register Notice I.D. 020100A, Marine Mammal Stranding Report; Proposed Information Collection.

1. Comments were received from the FR Notice I.D. 0200100A published in Vol 65, No. 24, on February 4, 2000. Officially, comments were received from 14 individuals and unofficially from seven individuals during the comment period.
2. Many comments that were similar so the responses have been compiled.
3. Responses to comments:
 - **A general recommendation was made by many individuals to specifically define the intent of each form.** Also, specific comments were made that called for a set of instructions that define the questions and provide possible response options for each field. We are in the process of developing those guidelines along with our database development. We plan to distribute these instructions to all LOA holders and post them on the NMFS web. We do not plan to include them with every form distributed.
 - **Because the proposed Human Interaction Form will be completed at a later date, related comments will be tabled at this time**
 - **There was some concern of redundancy between the two forms.** Some limited information is repeated but is necessary because the rehabilitation facility upon receipt of an animal might not have access to the data on the stranding history. This information would be useful for them in planning their course of treatment.
 - **The title of the Marine Mammal Disposition Report was changed to “Marine Mammal Rehabilitation Disposition Report.”**
 - **The Marine Mammal Disposition Report has been significantly modified.**
 - **Many of the editorial suggestions were included:**
(Stranding Form)
 - more space for comments have been added with most of the fields
 - more space is provided for contact information of the examiner/reporter and rehabilitation facility.
 - acronyms were spelled out
 - “check one” to “check ONE” was included
 - measurements can be denoted as actual or estimate and in metric or English units
 - “estimate” and “actual” will be indicated in the measurement sections
 - more space had been provided in the “Tag Data” field

(Marine Mammal Rehabilitation Disposition Report)

- more space is provided for contact information of the examiner/reporter and rehabilitation facility.

- acronyms were spelled out

- no signature is needed

- measurements can be denoted as actual or estimate and in metric or English units

- “estimate” and “actual” will be indicated in the measurement sections

- more space had been provided in the “Tag Data” field

- more space has been provided in under “Specimen Tracking Data” field

- **Several additions were made for clarification:**

(Stranding Form)

- The “SID #” had been changed to the “National Database #”

- extra space is provided on the back of both forms for additional comments including what samples were taken.

- a field for “other identification information” was added at the bottom of the stranding form

- a actual letterholder signature for the Stranding Form will not be required; but the name of the letterholder will be required

- an option to denote just a “sighting” was added

- the heading for the human interaction section in the Occurrence field has been modified to “signs of human interaction”

- more that one choice can be made under the “signs of human interaction,” “whole carcass disposal,” and “specimen disposition”

- a “not examined” box was added to the Occurrence Details field

- the heading for the Observation field and been modified to “Date of Initial Observation”

- a section for age class has be added in the Morphological Data field

- the heading for the disposition filed has been modified to “Initial Live Animal Disposition”

- the choices in the Initial Live Animal Disposition field have been significantly modified

- several more choices were included in the ‘whole carcass disposal’ section

(Marine Mammal Rehabilitation Disposition Report)

- the “SID #” had been changed to the “National Database #”

- a field for “other identification information” was added at the bottom of the Marine Mammal Rehabilitation Disposition Report

- morphological data is included in the form (i.e., age, sex, weight, length)

- a section for “cause of death” had been included in the Disposition field

The Examiner's Guide to the Marine Mammal Stranding Report Level A Data

Introduction

The purpose of this document is to clarify protocol for completing the Marine Mammal Stranding Report (NOAA Form 89-864) in response to marine mammal stranding events in the United States. This measure will standardize the data sent to the National Marine Fisheries Service (NMFS) from entities participating in the Stranding Network. Many of the fields on this form may have several interpretations. In order for NMFS to correlate the Level-A information on the forms with the NMFS National Marine Mammal Stranding Database System, please use this guide as the common convention in understanding and completing the Marine Mammal Stranding Report.

Background

Under the Marine Mammal Protection Act (MMPA) Section 402, the Secretary (i.e., Secretary of Commerce - National Marine Fisheries Service Office of Protected Resources) is responsible for collecting information on strandings which the Secretary will compile and analyze, by region, to monitor species, numbers, conditions, and causes of illnesses and deaths of stranded marine mammals. The Secretary is also responsible for collection of information on other life history and reference level data, including marine mammal tissue analyses, that would allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters.

Specifically, the collection of this information is authorized and mandated under three provisions of the MMPA, 16 U.S.C. 1421. Under the MMPA, the Secretary is charged with the protection and management of marine mammals. In addition, determinations must be made on the sustainability of population stocks, on the impact of fisheries and other human activities on marine mammals and endangered species, and on the health of marine mammals and related environmental considerations. The NMFS has the responsibility to carry out these mandates. Section 402(b) of the MMPA (16 U.S.C. 1421a) requires the Secretary to collect and update information on strandings. It further provides that the Secretary shall compile and analyze, by region, the species, numbers, conditions, and causes of illnesses and deaths in stranded marine mammals. Section 404 (a) of the MMPA (16 U.S.C. 1421c) mandates that the Secretary respond to unusual marine mortality events. Without a historical baseline provided by marine mammal information collected from strandings, detection of such events could be difficult and the investigation of the cause of the event would be impeded. Section 404 (b) of the MMPA (16 U.S.C. 1421c) requires NMFS to facilitate the collection and dissemination of reference data on the health of marine mammal populations in the wild and to correlate health with physical, chemical, and biological environmental parameters. In order to perform this function, NMFS must standardize data collection protocols for health and correlations. Data and samples

collected from stranded animals are a critical part of the implementation of this mandate of the MMPA.

Registration of tissues retained from strandings is mandatory under 50 CFR 216.22(c). With limited exceptions, the MMPA prohibits the purchase or sale of marine mammals or marine mammal parts. It also prohibits the possession of marine mammals or marine mammal parts taken in violation of the Act. In order to provide adequate enforcement of the Act while still allowing legitimate activities, it is necessary to document the inventory of tissues that are legally held. The Marine Mammal Stranding Report form provides information which may be used for registration of marine mammal parts taken under stranding authority and for tracking of such legally obtained samples.

The Marine Mammal Stranding Network is made up individuals authorized by NMFS (i.e., via Letter of Authorization or another official agreement under §112(c) of the MMPA which allows the Secretary to enter into agreements in order to fulfill the general purposes of the Act) to collect scientific data and specimens, record information on stranding events with the NMFS Regional Coordinator, and assist local and Federal authorities in the removal of stranded animals under MMPA 109(h). They are also authorized in assisting with detection and investigation of marine mammal mortality events. The majority of Network members are affiliated with academic institutions, aquaria, rehabilitation centers, or state, federal, and local agencies. Members are requested to submit basic data on all strandings including date and location, species, condition of animal, sex of animal, length, disposition of the animal or any tissues from the animal, and any personal observations. The Network members will complete the stranding form as part of their immediate response and forward the form to the NMFS regional coordinators in a timely manner. Non-Governmental members of the Network are exempted from the prohibition on taking marine mammals through the issuance of Letters of Authorization under §112(c) of the MMPA which allows the Secretary to enter into agreements in order to fulfill the general purposes of the Act. The Letters of Authority also contain authorization for scientists to collect tissues from dead stranded animals for research. This LOA relieves scientists and responders of the cumbersome process of applying for scientific research permits, but these researchers must have a letter from the NMFS Regional Office authorizing such collections.

Reporting

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, Office of Protected Resources, Marine Mammal Conservation Division, 1315 East-West Highway, Silver Spring, MD 20910.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject

to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Under the MMPA Section 409.3, a stranding is defined as an event in the wild where:

- (A) A marine mammal is dead and is -
 - (i) on a beach or shore of the United States; or
 - (ii) in waters under the jurisdiction of the United States (including any navigable waters); or
- (B) a marine mammal is alive and is -
 - (i) on a beach or shore of the United States and unable to return to the water;
 - (ii) on a beach or shore of the United States and, although able to return to the water, is in apparent need of medical attention; or
 - (iii) in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance.

Level A data: Basic minimum data to be collected and corresponds to the information required on this stranding form. Collection of Level A data is mandatory for all members of the Stranding Networks. This information is not considered proprietary and will be available to the public through the regional stranding coordinators. Level B data: Supplemental data to the Level A data and includes additional information about the stranding event and life history of the animal. Level C data: Necropsy results and collection of tissues and parasites. Level B and C data are proprietary and distribution of such information is under the discretion of the respondent.

Events other than those described above should be reported on a form other than the Level A Marine Mammal Stranding Report. For additional comments related to the Level A data, use the back of this form. The stranding report should be completed and sent to the NMFS Regional Stranding Coordinator promptly following the examination of the animal (or as stated according to your Letter of Authorization) to ensure that the data will be available in near real time, facilitating the efficient and appropriate management of marine mammal populations in accordance with the MMPA. If information regarding a stranding event is obtained after the Marine Mammal Stranding Report has been submitted to NMFS, please forward such information in a separate communication to the NMFS Regional Stranding Coordinator, referring to the stranding event's specific field number.

HEADER

Field #: (1) NMFS Regional#: (2) National Database #: (3)

Common Name: (4) Genus: (5) Species: (5)

Examiner/Reported By Letterholder: (6)

Name: (7) Affiliation: (8)

Address: (9) Phone: (10)

- (1) Assign each stranding event a unique identifier. Format is open to each agency's requirements; however, please remain consistent within your agency.
- (2) Leave this blank. NMFS will assign a regional number consistent with the National Marine Mammal Stranding Database.
- (3) Leave this blank. NMFS will assign a national database number consistent with the National Marine Mammal Stranding Database.
- (4) The common name of the stranded animal. If identity is not determined to species, list the extent to which you can classify it.
- (5) This is the Latin name for the animal in standard binomial nomenclature. If either genus or species is not identifiable, fill in the appropriate blank with "UNKNOWN."
- (6) Name of the letterholder (individual or organization) under whom the examiner is given authorization.
- (7) Name of the examiner who is submitting the report. That is, the individual who is responsible for preparing the entire level A stranding report. This does include the note taker.
- (8) Affiliation of the examiner who is submitting the report.
- (9) Mailing address of the examiner.
- (10) Daytime phone number where examiner may be reached for further comment.

LOCATION

Sighting Only YES (1) NO (1)

Found: Beach/floating/swimming/other (Circle One) (2)

State: (3) County: (3)

City: (3)

Locality Details: (4)

Latitude: (5) _____ N

Longitude: (5) _____ W

- (1) Sighting means no response but just observing the animal.
- (2) Indicate where the animal was found either stranded on a beach, floating in the water, actively swimming in the water, or other.
- (3) The standard state, county, and city names for the stranding location. Fill state with “EZ” for floaters in U.S. territorial waters between 3 and 200 miles offshore.
- (4) Using known landmarks, describe the precise locality where the animal was found. Compass bearings and relative distances are useful.
- (5) GPS coordinates are preferred; however, not everyone collects these data in the same format. This information can be entered using the following units: deg/min/sec; deg/min/decmin; or deg/decdeg. The abbreviations are as follows: deg.= degress; min.= minutes; sec.= seconds; decmin.= decimal minutes; decdeg.= decimal degress.

OCCURRENCE DETAILS

			MS# (1)
Mass Stranding: YES (2) NO (2) # Animals: (3)			
Signs of Human Interaction: YES (4) NO (4) Could not be Determined (CBD) (4)			
(Check one or more)	1. Boat Collision (5)	3. Fishery Interaction (5)	
	2. Shot (5)	4. Other Human Interaction: (5)	
How determined:	External Exam (6)	Internal Exam (6)	Not Examined (6)
Other Causes:	YES (7) NO (7)	CBD (7)	Describe: (8)

- (1) Leave this blank. NMFS will assign regional designation to represent the mass stranding number.
- (2) Was the animal part of a mass stranding event? A mass stranding is a stranding event which involves two or more animals other than cow-calf/mother-pup pairs.
- (3) The number of animals involved in the stranding event.
- (4) Check “Yes” if there is any signs or evidence of human interaction, check “No” if there was no indication of human involvement; check CBD if there is insufficient evidence to indicate human interaction.
- (5) If you checked “Yes” or CBD in Item (4), check the box that most accurately details the type of human interaction.
- (6) If you checked “Yes” in Item (4) and there were signs of human interactions other than those listed, please describe in this blank.
- (7) If Item (4) was “Yes,” describe how human interaction was determined.
- (8) List the signs or causes of death other than or in addition to human interaction.

**DATE OF INITIAL OBSERVATION
and
DATE OF EXAMINATION (Level - A)**

Year: (1) Month: (1) Day: (1)

Year: (3) Month: (3) Day: (3)

STATUS: (Check ONE) (2)

- 1. Alive (2)**
- 2. Dead (2)**
- 3. Unknown (2)**

CONDITION: (Check ONE) (4)

- 1. Alive (4)**
- 2. Fresh dead (4)**
- 3. Moderate Decomposition (4)**
- 4. Advanced decomposition (4)**
- 5. Mummified/Skeletal (4)**
- 6. Dead - Composition Unknown (4)**

- (1) Enter the date upon which the stranded animal was first observed by any witness. This is the first known observation of the stranded animal.
- (2) Check this box if animal stranded and was observed alive, dead, or unknown.
- (3) Enter the date when the actual Level-A examination was done.
- (4) Check the appropriate box that indicates the physical state of the animal (carcass) on the date of the Level-A examination.
 - Alive: Check this box if the animal was alive during the Level-A examination.
 - Fresh Dead: Check this box if the carcass was in good condition (fresh/edible). Normal appearance, usually with little scavenger damage; fresh smell; minimal drying and wrinkling of skin, eyes and mucous membranes; eyes clear; carcass not bloated, tongue and penis not protruded; blubber firm and white; muscles firm, dark red, well-defined; blood cells intact, able to settle in a sample tube; serum unhemolyzed; viscera intact and well-defined, gut contains little or no gas; brain firm with no discoloration, surface features distinct, easily removed intact.
 - Moderate Decomposition: Check this box if the carcass was in fair condition (decomposed, but organs basically intact). Carcass intact, bloating evident (tongue and penis protruded) and skin cracked and sloughing; possible scavenger damage; characteristic mild odor; mucous membranes dry, eyes sunken or missing; blubber blood-tinged and oily; muscles soft and poorly defined; blood hemolyzed, uniformly dark red; viscera soft, friable, mottled, but still intact; gut dilated by gas; brain soft, surface features distinct, dark reddish cast, fragile but can usually be moved intact.

- Advanced Decomposition: Check this box if the carcass was in poor condition (advanced decomposition). Carcass may be intact, but collapsed; skin sloughing; epidermis of cetaceans may be entirely missing; often severe scavenger damage; strong odor; blubber soft, often with pockets of gas and pooled oil; muscles nearly liquefied and easily torn, falling easily off bones; blood thin and black; viscera often identifiable but friable, easily torn, and difficult to dissect; gut gas-filled; brain soft, dark red, containing gas pockets, pudding-like consistency.
- Mummified/Skeletal: Check this box if mummified or skeletal remains. Skin may be draped over skeletal remains; any remaining tissues are desiccated.
- Dead - Composition Unknown: Check this box if unable to ascertain the condition of the stranded animal.

INITIAL LIVE ANIMAL DISPOSITION

(Check one or more)

- | | |
|----------------------------------|--------------------------------------|
| 1. Left at Site (1) | 4. Euthanized at Site (1) |
| 2. Immediate Release at Site (1) | 5. Died at Site (1) |
| 3. Relocated (1) | 6. Transferred to Rehabilitation (1) |
| | 7. Died during Transport (1) |

CONDITION: Sick (2) Injured (2) Out of Habitat (2) Other (2)

Date: (3) Rehabilitation Facility: (4) Comments: (5)

NOTE: Check all that apply to the stranding at time of completing the Level-A examination.

(1) Indicate what action(s) was/were taken to resolve the stranding:

- Left at Site: True if the animal was reported and no other actions were taken. This includes sightings.
- Immediate Release at Site: True if the animal was reported and possibly treated or evaluated, but was not removed from the site. Do not include sightings, only animals that have stranded.
- Relocated: True if the animal was evaluated or treated, was removed from the site of stranding, and was released at another site.
- Euthanized at Site: True if the animal was found alive but was euthanized by a certified agency.
- Died at Site: True if the animal was found alive and died before transport to a care facility or relocated.
- Transferred to Rehabilitation: True if the animal was transported to a care facility.
- Died during Transport: True if the animal was found alive and died before transport to a care facility.

- (2) Indicate what was the condition of the animal at the time of stranding:
- Sick: True if the animal appears sick or is behaving oddly, with no external signs of injury.
 - Injury: True if the animal shows evidence of physical injury.
 - Out of Habitat: True if the animal was found in area atypical for its species. This could include atypical location and time of year for its known life history.
 - Other: Describe any other situation not addressed above.
- (3) This date represents either the date of observation, immediate release, relocation, death, euthanasia, or transfer to rehabilitation.
- (4) Name of rehabilitation facility that the animal was initially taken to.
- (5) Additional comments.

MORPHOLOGICAL DATA

SEX: (Check ONE)

1. Male (1) 3. Unknown (1)
2. Female (1)

AGE CLASS: (Check ONE)

1. Adult (2) 4. Pup/Calf (2)
2. Subadult (2) 5. Unknown (2)
3. Yearling (2)

Straight Length: _____ cm (3) in (3) actual (3) estimate (3)

Weight: _____ kg (4) lb (4) actual (4) estimate (4)

PHOTOS/VIDEOS TAKEN: YES (5) NO (5) Disposition: (5)

- (1) Check the box indicating the animal's gender, or check "Unknown" if unable to determine.
- (2) **This is Optional.** Check the box indicating the animal's age, or check "unknown" if unable to determine.
- (3) The metric system is preferred. In centimeters or inches, fill in the straight length (not contoured) of the animal on the date of initial examination. Please check if this was an actual (physical measurement) or estimated (visual measurement) measurement.
- (4) Enter the weight of the animal in kilograms or pounds on the date of initial examination. Please check if this was an actual or estimated measurement.
- (5) **This is Optional.** Check "Yes" or "No" to indicate whether visual media was taken of this stranding event. Include where these documents are housed.

TAG DATA

ID # (1)	Color (2)	Type (3)	* Placement (4)	Applied (5)	Present (6)
			(Circle ONE) D LF LR RF RR	G	G
			D LF LR RF RR	G	G
			D LF LR RF RR	G	G

- (1) In the respective columns, write the number(s) of the identifying tag(s), brand(s), or other applied marking(s), if applicable.
- (2) Using basic color-names, indicate the identifying color of tags where applicable.
- (3) Respectively list the type of tag(s), brand(s), or other applied marking(s). For example, radio, pit-tag, plastic, satellite, freeze brand, bleach mark, paint, etc.
- (4) NOTE: Circle (ONE) the location of each applied/present marking:
 - D = dorsal,
 - LF = left front flipper/appendage
 - LR = left rear flipper/appendage
 - RF = right front flipper/appendage
 - RR = right rear flipper/appendage
- (5) Check “Applied” if the tags, brands, or other makings were attached to the animal for identification after the initial the animal stranded.
- (6) Check “Present” if tags, brands, or other markings were already present when the animal stranded.

CARCASS/SPECIMEN DISPOSITION

WHOLE CARCASS DISPOSAL (Check one or more)

- | | | |
|---------------------|-------------------------------------|----------------|
| 1. Left at site (1) | 4. Rendered (1) | 7. Unknown (1) |
| 2. Buried (1) | 5. Sunk (1) | |
| 3. Towed (1) | 6. Frozen for Later Examination (1) | |

SPECIMEN DISPOSITION (Check one or more)

1. Scientific collection (2)
2. Educational collection (2)
3. Other (2)

Comments: (3)

NECROPSIED YES (4) NO (4) Date: (4)

NECROPSIED BY: (5)

(1) Check the following boxes to indicate how the carcass was disposed:

- Left at site - check this box if the carcass, including skeleton, was left where it was found to decompose.
- Buried - check this box if most of the carcass, including skeleton was buried.
- Towed - check this box if the carcass, including skeleton, was towed to sea.
- Rendered - check this box if the carcass, including skeleton, was rendered.
- Sunk - check this box if the carcass, including skeleton, was sunk.
- Frozen for later examination - check this box if most of the carcass and/or skeleton was retained and frozen for later examination.
- Unknown - check this box if the fate of the carcass is unknown or if the carcass was lost.

- (2) Check the following boxes to indicate where specimens of the carcass were distributed:
- Scientific collection - check this box if specimens from the live animal or carcass were retained for scientific research.
 - Educational collection - check this box if specimens from the live animal or carcass were retained for educational purposes.
 - Other - check this box if the fate of specimens from the live animal or carcass was other than above and briefly indicate the disposition.
- (3) List comments clarifying any level-A information or adding Level B-data.
- (4) Indicate whether a full necropsy was undertaken to obtain Level-C data and the date when the necropsy was done.
- (5) List the name and contact information of the primary person who conducted the necropsy.

MARINE MAMMAL STRANDING REPORT - LEVEL A DATA

FIELD #: _____ NMFS REGIONAL #: _____ (NMFS USE) NATIONAL DATABASE#: _____ (NMFS USE)

COMMON NAME: _____ GENUS: _____ SPECIES: _____

EXAMINER/REPORTED BY _____ Letterholder: _____

Name: _____ Affiliation: _____

Address: _____ Phone: _____

LOCATION Sighting Only G YES G NO Found beach/floating/swimming/other (Circle One) State: _____ County: _____ City: _____ Locality Details: _____ _____ _____ Latitude: _____ N Longitude: _____ W	OCCURRENCE DETAILS MS# _____ (NMFS USE) Mass Stranding: G YES G NO # Animals: _____ Signs of Human Interaction: G YES G NO G Could not be Determined (CBD) (Check one or more) G 1. Boat Collision G 3. Fishery Interaction G 2. Shot G 4. Other Human Interaction: _____ How determined: G External Exam G Internal Exam G Not Examined Other Causes: G YES G NO G CBD Describe: _____ _____
---	--

DATE OF INITIAL OBSERVATION Year: _____ Month: _____ Day: _____ STATUS: (Check ONE) G 1. Alive G 2. Dead G 3. Unknown	DATE OF EXAMINATION (LEVEL-A) Year: _____ Month: _____ Day: _____ CONDITION: (Check ONE) G 1. Alive G 2. Fresh dead G 3. Moderate decomposition G 4. Advanced decomposition G 5. Mummified/Skeletal G 6. Dead - Composition unknown
--	---

INITIAL LIVE ANIMAL DISPOSITION (Check one or more) G 1. Left at Site G 4. Euthanized at Site G 2. Immediate Release at Site G 5. Died at Site G 3. Relocated G 6. Transferred to Rehabilitation G 7. Died during Transport CONDITION: G Sick G Injured G Out of Habitat G Other Date: _____ Rehabilitation Facility: _____ Comments: _____ _____ _____	MORPHOLOGICAL DATA SEX: (Check ONE) AGE CLASS: (Check ONE) G 1. Male G 3. Unknown G 1. Adult G 4. Pup/Calf G 2. Female G 2. Subadult G 5. Unknown G 3. Yearling Straight Length: _____ G cm G in G actual G estimate Weight: _____ G kg G lb G actual G estimate PHOTOS/VIDEOS TAKEN: G YES G NO Disposition: _____ _____
--	--

TAG DATA <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">ID #</th> <th style="text-align: left;">Color</th> <th style="text-align: left;">Type</th> <th style="text-align: left;">* Placement (Circle ONE)</th> <th style="text-align: left;">Applied</th> <th style="text-align: left;">Present</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>D LF LR RF RR</td> <td>G</td> <td>G</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>D LF LR RF RR</td> <td>G</td> <td>G</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>D LF LR RF RR</td> <td>G</td> <td>G</td> </tr> </tbody> </table> <p>* D=Dorsal; LF=Left Front; LR=Left Rear; RF=Right Front; RR=Right Rear</p>	ID #	Color	Type	* Placement (Circle ONE)	Applied	Present	_____	_____	_____	D LF LR RF RR	G	G	_____	_____	_____	D LF LR RF RR	G	G	_____	_____	_____	D LF LR RF RR	G	G	WHOLE CARCASS DISPOSAL (Check one or more) G 1. Left at site G 4. Rendered G 7. Unknown G 2. Buried G 5. Sunk G 3. Towed G 6. Frozen for Later Examination SPECIMEN DISPOSITION (Check one or more) G 1. Scientific collection G 2. Educational collection G 3. Other _____ Comments: _____ _____ NECROPSIED G YES G NO Date: _____ NECROPSIED BY: _____
ID #	Color	Type	* Placement (Circle ONE)	Applied	Present																				
_____	_____	_____	D LF LR RF RR	G	G																				
_____	_____	_____	D LF LR RF RR	G	G																				
_____	_____	_____	D LF LR RF RR	G	G																				

PLEASE USE BACK SIDE OF THIS FORM
FOR ADDITIONAL REMARKS

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.

The Examiner's Guide to the Marine Mammal Rehabilitation Disposition Report

Introduction

The purpose of this document is to clarify protocol for completing the Marine Mammal Rehabilitation Disposition Report (NOAA Form 89-869) in response to marine mammal stranding and subsequent treatment and rehabilitation of animals in the United States. This measure will standardize the data sent to the National Marine Fisheries Service (NMFS) from entities participating in the Stranding Network. Many of the fields on the form may have several interpretations. In order for NMFS to efficiently track the status of marine mammals that are in rehabilitation, released back to the wild, euthanized, and/or transferred to public display, this form should be completed using the following instructions. Additional comments should be included in the space provided on the back of this form.

Background

The Marine Mammal Rehabilitation Disposition Report provides NMFS with information on the disposition of animals brought in for rehabilitation, the success of medical treatment, and the number of animals released. This information will assist the Agency in tracking marine mammals that move into captive display and in the monitoring of rehabilitation and release. The data will also be used to assess the burden on stranding network centers. This form will be filled out only in the case of live-stranded marine mammals. The form will be required in all five NMFS Regions. Each of the NMFS regions approves and issues a Letter of Authorization or other form of agreement to marine mammal rehabilitation centers under §112(c) of the MMPA which allows the Secretary to enter into agreements in order to fulfill the general purposes of the Act. These data will be monitored as part of the Rehabilitation Facilities Inspection program to be implemented in 2002.

Under the U.S. Code of Federal Regulation [16 U.S.C. 1374, section 104 (c) (10)], NMFS is required to track live animals held under permits for rehabilitation or captive display. The data in the Marine Mammal Rehabilitation Disposition report are required to monitor and track animals during rehabilitation and during transfer to permanent-permitted status. For public display facilities which participate in the program as a rehabilitation center, reporting becomes a critical record if the animal is retained and put on display. If that happens, reporting requirements transfer to that mandated under OMB NO. 0648-0084.

Reporting

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Marine Fisheries Service, Office of Protected Resources, Marine Mammal Conservation Division, 1315 East-West Highway, Silver Spring, MD 20910.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

HEADER

Field #: (1) NMFS Regional#: (2) National Database #: (3)

Common Name: (4) Genus: (5) Species: (5)

Rehabilitation Facility: (6)

Address: (6)

Phone: (6)

- (1) Transfer the field# that was assigned on the Marine Mammal Stranding Report - Level A Data form. Other unique identification information can be added in the space at the bottom right of this form
- (2) Leave this blank. NMFS will assign a regional number consistent with the National Marine Mammal Stranding Database.
- (3) Leave this blank. NMFS will assign a national database number consistent with the National Marine Mammal Stranding Database.
- (4) The common name of the stranded animal. If identity is not determined to species, list the extent to which you can classify it.
- (5) This is the Latin name for the animal in standard binomial nomenclature. If either genus or species is not identifiable, fill in the appropriate blank with "UNKNOWN."
- (6) This space is for the name, address, and phone number of the Rehabilitation Facility.

STRANDING HISTORY/ADMISSION INTO REHABILITATION

STRANDING HISTORY	ADMISSION INTO REHAB
Date: Year (1) Month (1) Day (1)	Date: Year (5) Month (5) Day (5)
Sex: 1. Male (2) 2. Female (2)	Received From: (6)
Straight Length: _____	Straight Length: _____
cm (3) in (3) actual (3) estimate (3)	cm (7) in (7) actual (7) estimate (7)
Weight: _____	Weight: _____
kg (4) lb (4) actual (4) estimate (4)	kg (8) lb (8) actual (8) estimate (8)

- (1) Enter the date upon which the animal stranded.
- (2) Check the box indicating the animal's sex.
- (3) In centimeters or inches, enter the straight length (not contoured) of the animal on the date of initial examination - from the Marine Mammal Stranding Report. Please indicate if this was an actual (physical measurement) or estimated (visual measurement) measurement. Metric units are preferred.
- (4) In kilograms or pounds, enter the weight of the animal on the date of initial examination - from the Marine Mammal Stranding Report. Please indicate if this was an actual (physical measurement) or estimated (visual measurement) measurement. Metric units are preferred.
- (5) Enter the date upon which the animal was admitted to your rehabilitation facility.
- (6) Indicate from where this animal was obtained. This could be directly from the stranding site or from a triage site or from another rehabilitation facility.
- (7) In centimeters or inches, enter the straight length (not contoured) of the animal on the date of admission into your rehabilitation facility. Please indicate if this was an actual (physical measurement) or estimated (visual measurement) measurement. Metric units are preferred.
- (8) In kilograms or pounds, enter the weight of the animal on the date of admission into your rehabilitation facility. Please indicate if this was an actual (physical measurement) or estimated (visual measurement) measurement. Metric units are preferred.

MEDICAL RECORD AND SPECIMEN TRACKING

Samples Collected: 1. YES (1) 2. NO (1) 3. Unknown (1)

SpecimenType/DiagnosticTest/Disposition: (2)

Pre-Release Health Screen: 1. YES (3) 2. NO (3) 3. Unknown (3)

Other Specimen Tracking:

- 1. Scientific collection (4)**
- 2. Educational collection (4)**
- 3. Other (4)**

- (1) Indicate if samples were taken for diagnostic purposes while the animal was in your rehabilitation facility (i.e., fluid such as blood or urine, tissues such skin from a lesion, etc.). If the animal died or was euthanized, indicate in question #2 if samples were taken for pathology or other forensic investigation.
- (2) **This is Optional.** List the specific samples that were taken, the diagnostic test or reason for sampling, and the disposition or location of the sample.
- (3) The release criteria guidelines strongly recommend that a pre-release health screen be completed on all marine mammals prior to release back into the wild. Indicate if this was done.
- (4) Check the following boxes to indicate where nondiagnostic specimens were distributed (i.e., skin for genetics, blubber for contaminants, bones for collection, etc.).
 - Scientific collection - check this box if specimens from the live animal or carcass were retained for scientific research.
 - Educational collection - check this box if specimens from the live animal or carcass were retained for education purposes.
 - Other - check this box if the fate of specimens from the live

DISPOSITION

1. **Transferred to Another Facility (1)**
Year (2) Month (2) Day (2)
Facility (3)
Address (3)
Comments (4)
2. **Retained following Rehabilitation (5)**
Year (6) Month (6) Day (6)
Location (7)
Comments (8)
I.D. # (9)
3. **Died (10)**
Year (11) Month (11) Day (11)
Location (12)
Cause of Death (13)
Comments (14)
4. **Released (15)**
Year (16) Month (16) Day (16)
State (17) County (17) City (17)
Locality Details: (18)
Latitude: (19) _____ N
Longitude: (19) _____ W
Straight Length: _____ cm (20) in (20) actual (20) estimate (20)
Weight: _____ kg (21) lb (21) actual (21) estimate (21)
Age Class (22)

- (1) Check this box if the animal was transferred to another rehabilitation facility during its' course of recovery.
- (2) Indicate the year, month and date of this transfer.
- (3) Indicate the facility and address to where the animal was transferred.

- (4) Additional comments.
- (5) Check this box if the animal was not released following rehabilitation but retained for permanent captivity (i.e., retention at your facility or transferred to another permanent captive location).
- (6) Indicate the date when the animal was officially designated a nonreleasable animal and was deemed a permanent captive animal.
- (7) Indicate where the animal was retained/transferred for permanent captivity.
- (8) Additional comments.
- (9) Leave this blank. NMFS will assign an official designation for permanent captivity.
- (10) Check this box if the animal died during rehabilitation or during associated activities (i.e., during transportation or during the actual release).
- (11) Indicate the date when the animal died.
- (12) Indicate the location where the animal died (i.e., at the facility, during transportation, during the actual release).
- (13) **This is Optional.** Describe a potential cause of death.
- (14) Additional comments.
- (15) Check this box if the animal is released following rehabilitation.
- (16) Indicate the standard year, month, and day for the release time.
- (17) Indicate the standard state, county, and city names for the release location.
- (18) Using known landmarks, describe the precise locality where the animal was released.
- (19) GPS coordinates are preferred; however, not everyone collects these data in the same format. This information can be entered using the following units: deg/min/sec; deg/min/decmin; or deg/decdeg. The abbreviations are as follows: deg.= degrees; min.= minutes; sec.= seconds; decmin.= decimal minutes; decdeg.= decimal degree.
- (20) The metric system is preferred. In centimeters or inches, fill in the straight length (not contoured) of the animal on the date of initial examination. Please check if this was an actual (physical measurement) or estimated (visual measurement) measurement.

- (21) The metric system is preferred. Enter the weight of the animal in kilograms or pounds on the date of initial examination. Please check if this was an actual or estimated measurement.
- (22) **This is Optional.** Estimate the age of the animal upon release (i.e., adult, subadult, yearling, or pup/calf). Indicate unknown if unable to determine.

DISPOSITION (Continued)

TAG DATA					
ID # (23)	Color (24)	Type (25)	* Placement (26)	Applied (27)	Present (28)
_____			(Circle ONE) D LF LR RF RR	G	G
_____			D LF LR RF RR	G	G
_____			D LF LR RF RR	G	G

- (23) In the respective columns, write the number(s) of the identifying tag(s), brand(s), or other applied marking(s), if applicable.
- (24) Using basic color-names, indicate the identifying color of tags where applicable.
- (25) Respectively list the type of tag(s), brand(s), or other applied marking(s). For example, radio, pit-tag, plastic, satellite, freeze brand, bleach mark, paint, etc.
- (26) NOTE: Circle (ONE) the location of each applied/present marking:
- D = dorsal,
 - LF = left front flipper/appendage
 - LR = left rear flipper/appendage
 - RF = right front flipper/appendage
 - RR = right rear flipper/appendage

- (27) Check "Applied" if the tags, brands, or other makings were attached to the animal for identification after the initial the animal stranded.
- (28) Check "Present" if tags, brands, or other markings were already present when the animal stranded.

MARINE MAMMAL REHABILITATION DISPOSITION REPORT

FIELD #: _____ NMFS REGIONAL #: _____ NATIONAL DATABASE#: _____
(NMFS USE) (NMFS USE)

COMMON NAME: _____ GENUS: _____ SPECIES: _____

REHABILITATION FACILITY: _____

Address: _____ Phone: _____

STRANDING HISTORY Date: Year: _____ Month: _____ Day: _____ Sex: <input type="checkbox"/> 1. Male <input type="checkbox"/> 2. Female Straight Length: _____ <input type="checkbox"/> cm <input type="checkbox"/> in <input type="checkbox"/> actual <input type="checkbox"/> estimate Weight: _____ <input type="checkbox"/> kg <input type="checkbox"/> lb <input type="checkbox"/> actual <input type="checkbox"/> estimate	ADMISSION INTO REHABILITATION Date: Year: _____ Month: _____ Day: _____ Received From: _____ Straight Length: _____ <input type="checkbox"/> cm <input type="checkbox"/> in <input type="checkbox"/> actual <input type="checkbox"/> estimate Weight: _____ <input type="checkbox"/> kg <input type="checkbox"/> lb <input type="checkbox"/> actual <input type="checkbox"/> estimate																																			
MEDICAL RECORD AND SPECIMEN TRACKING Samples collected: <input type="checkbox"/> 1. YES <input type="checkbox"/> 2. NO <input type="checkbox"/> 3. Unknown Pre-release Health Screen: <input type="checkbox"/> 1. YES <input type="checkbox"/> 2. NO <input type="checkbox"/> 3. Unknown Other Specimen Tracking: <input type="checkbox"/> 1. Scientific collection <input type="checkbox"/> 2. Education collection <input type="checkbox"/> 3. Other: _____	Sample Type/Diagnostic Test/Disposition: 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____																																			
DISPOSITION (Check one of more)																																				
<input type="checkbox"/> 1. Transferred to Another Facility Year: _____ Month: _____ Day: _____ Facility: _____ Address: _____ Comments: _____ <input type="checkbox"/> 2. Retained following Rehabilitation Year: _____ Month: _____ Day: _____ Location: _____ Comments: _____ I.D.#: _____ (NMFS USE)	<input type="checkbox"/> 4. Released Year: _____ Month: _____ Day: _____ State: _____ County: _____ City: _____ Locality Details: _____ Latitude: _____ N Longitude: _____ W Straight Length: _____ <input type="checkbox"/> cm <input type="checkbox"/> in <input type="checkbox"/> actual <input type="checkbox"/> estimate Weight: _____ <input type="checkbox"/> kg <input type="checkbox"/> lb <input type="checkbox"/> actual <input type="checkbox"/> estimate Age Class: _____ TAG DATA (*D=Dorsal; LF=Left Front; LR=Left Rear; RF=Right Front; RR=Right Rear) <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">I.D.#</th> <th style="text-align: left;">Color</th> <th style="text-align: left;">Type</th> <th style="text-align: left;">Placement (Circle ONE)</th> <th style="text-align: left;">Applied</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>D LF LR</td> <td><input type="checkbox"/></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>RF RR</td> <td><input type="checkbox"/></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>D LF LR</td> <td><input type="checkbox"/></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>RF RR</td> <td><input type="checkbox"/></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>D LF LR</td> <td><input type="checkbox"/></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>RF RR</td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	I.D.#	Color	Type	Placement (Circle ONE)	Applied	_____	_____	_____	D LF LR	<input type="checkbox"/>	_____	_____	_____	RF RR	<input type="checkbox"/>	_____	_____	_____	D LF LR	<input type="checkbox"/>	_____	_____	_____	RF RR	<input type="checkbox"/>	_____	_____	_____	D LF LR	<input type="checkbox"/>	_____	_____	_____	RF RR	<input type="checkbox"/>
I.D.#	Color	Type	Placement (Circle ONE)	Applied																																
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_____	_____	_____	RF RR	<input type="checkbox"/>																																
<input type="checkbox"/> 3. Died Year: _____ Month: _____ Day: _____ Location: _____ Cause of Death: _____ Comments: _____																																				

PLEASE USE BACK SIDE OF THIS FORM FOR ADDITIONAL REMARKS

ADDITIONAL REMARKSThis image shows a blank sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's part of a bound notebook or folder.